

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (61-190)

~~CONFIDENTIAL~~

DATE: 1-30-59

FROM : SAC, SAN DIEGO (100-478)

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 11-08-2011SUBJECT: AMERICAN CIVIL LIBERTIES UNION
OF SOUTHERN CALIFORNIA
San Diego Chapter
IS - C

(OO: SD)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

Re San Diego letter to Bureau, 12-2-58.

Relet mentioned petitions circulated by the ACLU
of Southern California, 2863 West 9th Street, Los Angeles,
California.On 12-12-58, [redacted] furnished a
report of a meeting of the San Diego County Communist Party
(SDCCP) held 12-4-58 at [redacted]San Diego, California. ~~(S)~~At the meeting, LIL HASKELL reported that on
11-28-58 she and LEONA KENEGSBERG, CP member, had attended a
meeting of the Southern California District CP (SCDCP) at
Los Angeles. At the 11-28-58 meeting HASKELL learned that the
ACLU had asked the CP to get Negro members of the Party to
circulate petitions in the Negro churches advocating that the
HCUA be abolished. DOROTHY HEALEY, Chairman of the SCDCP and
member of the CP National Committee, gave HASKELL and KENEGSBERG
some of the petitions to bring to San Diego for the purpose of
having them circulated in the San Diego area.100-342781 Calif
BEVERLY MAJOR, Negro CP member, who was in attend-
ance at the SDCCP meeting 12-4-58, interrupted and objected to
the Chauvinistic manner of the plan for circulating the petitions
in the Negro churches by Negro CP members. LIL HASKELL said that
the petitions were also to be circulated at other churches and
synagogues but BEVERLY MAJOR would not accept this and stated
that HASKELL should have refused to take the petitions because
of the Chauvinistic aspects surrounding the proposed method of
circularizing them. LIL HASKELL then told the members present
at the meeting that when she arrived back in San Diego from Los

- (3) - Bureau (REGISTERED)
- 2 - Los Angeles (REGISTERED)
- 1 - San Diego

RPC:HB

(6)

58 FEB 11 1959

EX-135

~~CONFIDENTIAL~~

REC-81

16 FEB - 2 1959

61-190-743

EX-134

REC-65

130 JWB/KC
Cable

~~CONFIDENTIAL~~

SD 100-478

Angeles with the petitions, she went to the home of MIRIAM STARCEVIC, SDCCP Chairman, to tell MIRIAM about them. HASKELL said that DAVE STARCEVIC, CP member, and husband of MIRIAM STARCEVIC, ordered her out of the house. MIRIAM STARCEVIC, in an effort to protect her husband, said that the manner in which HASKELL discussed the petitions gave DAVE the impression that LIL HASKELL was asking that the petitions be circulated rather than that the Party had requested they be circulated. However, MIRIAM stated that DAVE got angry because he said that every time petitions or leaflets were to be passed around, the CP goes to the Negro community to circulate them, which is nothing more than white Chauvinism on the part of the CP, who should be trying to eliminate Chauvinism rather than to condone it.

BEVERLY MAJOR said she would not circulate the petitions because she thought they were in bad taste and she could not accept any explanation on why the ACLU wanted the CP to circulate the petitions among the Negro people.

On 1-27-58 [REDACTED] advised that as of that date the petitions had not been circulated by CP members in the San Diego area.

b7D

~~CONFIDENTIAL~~

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William W. Waymack (Iowa)
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William L. White (Kans.)
Hubrey Williams (Ala.)
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AMERICAN CIVIL LIBERTIES UNION

1612 EYE STREET, N.W. WASHINGTON 6, D.C.
FOUNDED 1920 METROPOLITAN 8-6602 Incorporated

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February 4, 1959

Gordon A. Nease, Inspector in Charge
Federal Bureau of Investigation
Department of Justice, Room 5640
Washington 25, D. C.

Dear Gordon:

I am attaching the reply I got
from Kenyon, particularly calling your attention
to the first paragraph.

With best wishes,

Cordially,

REC-46
EX-102

61-190-744

FEB 12 1959

NOTED
Gph

IF/pw

ENCLOSURE

CRIME REC

FEB 4 1959

KENYON COLLEGE
GAMBIER, OHIO

DEPARTMENT OF POLITICAL SCIENCE

January 28, 1959

Mr. Irving Ferman
American Civil Liberties Union
1612 Eye Street
Washington 6

Dear Irving:

Thank you for your letter of that date so long ago, January 7. Your proposal regarding a talk here by an FBI agent is a good one and much to my sympathy. I checked with the lectureship committee and it will be impossible this semester. Let's hope a date can be arranged in the Fall.

My manuscript on the President and Individual Liberties is now half way through the second draft. I hope to be finished with it within a month or so and, with understanding of your limited free hours, hope for your comments on a mimeographed copy before it goes into the final stages. I have no ability to judge its value or accuracy at this point. I am convinced I have taken on too large a task, although I comfort myself by saying that this was embedded in the project from the beginning.

Thank you for the impressive compilation on the record of the 85th Congress. And for the Mary Cassett Christmas card. [redacted] and I have saved that from the wastebasket fate of the usual Xmas greeting.

I trust your work is still enjoyable; I am gratified that you are still on the job. My travels (if I can find some more\$) will bring me to Washington in late Spring when, as usual, I will pose a dozen questions to you. One that recurs (when I speak of legislation) is the degree of support (if any) that the Eisenhower administration gave to overturn the Cole decision. There will be others.

I look forward to seeing you. I hope your family is well. Please give my regards to [redacted]

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b7c

Cordially,

[redacted]
[redacted]

*Kenyon College
Gambier, Ohio*

ENCLOSURE

61-190-744

SAC, San Diego (100-475)

February 24, 1959

Director, FBI (61-190)

**AMERICAN CIVIL LIBERTIES UNION
INFORMATION CONCERNING
(INTERNAL SECURITY)**

62976

Reference is made to the substantive case write-up prepared during the recent inspection of the San Diego Office concerning the American Civil Liberties Union (ACLU) of Southern California, San Diego Chapter, which write-up indicated that this is a pending active case being maintained by your office.

Bufile does not reflect that this matter is being maintained as a pending case by the San Diego Office and your attention is further directed to previous correspondence between the Bureau and the San Diego Office indicating that the ACLU is not under active investigation; has never been investigated by the Bureau; and should not be investigated by your office without specific Bureau authority. Specifically, your attention is directed to the following:

1. Bulet 1-10-55 captioned "American Civil Liberties Union, Orange County, Information Concerning, (Internal Security)" referring to San Diego letter 12-15-54 captioned "Security Informants, Semiannual Report," which letter set forth the informant coverage provided subversive organizations in the territory covered by the San Diego Office. Bulet called attention to the fact the ACLU was so listed; Bureau did not have an active investigation going on at the time concerning the ACLU; and noted it was seriously doubted that ACLU could be classified as a subversive organization. (Serial 496)

2. San Diego letter 1-18-55 advised it was not the intention of that office to list ACLU as a subversive organization but it was merely included in the semiannual report on security informants to reflect that two informants from time to time furnished information concerning the ACLU.

(Serial 499)

7 MAR 2 1959

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(8)

ENCLOSURE



Let to SAC, San Diego
Re: AMERICAN CIVIL LIBERTIES UNION
61-190

3. SAC Letter 56-2 (K) set forth the fact that the ACLU had never been investigated by the Bureau therefore references to membership in, references to, or documentation of it should not be included in future reports except such references as pertinent to the Los Angeles Chapter, which had been cited by the California Committee on Un-American Activities.

4. Bulet to San Diego 6-24-57 captioned "American Civil Liberties Union, Southern California Branch, San Diego Chapter, Information Concerning, (Internal Security)" referred to San Diego Letter 6-11-57 which set forth the current officers of the San Diego Chapter; advised no investigation had been conducted nor was contemplated; and requested Bureau advice as to whether a report should be submitted concerning the activities of the chapter as reported by informants. Bulet instructed San Diego that inasmuch as no investigation was being conducted in the matter no report was desired but that a letter should be submitted summarizing information in the files of the San Diego Office concerning the Communist Party affiliations of the individuals referred to in the San Diego letter. (Serial 659)

5. San Diego letter 5-29-58 captioned "Thumbnail Sketches of Subversive Organizations" enclosed a thumbnail sketch for Bureau approval concerning the San Diego Chapter of the ACLU of Southern California. Bulet 6-19-58 advised that the sketch as submitted was not being approved for the reasons as set forth in SAC Letter 56-2. (Serial 704)

You are instructed to close this case in your office unless the facts warrant requesting Bureau authority to investigate the communist infiltration of the San Diego Chapter in accordance with instructions set forth in Section 87E of the Manual of Instructions. Bufiles fail to reflect such a request as the Bureau is pending.

You are instructed to furnish the Bureau the reasons why this matter is pending in your office together with your recommendation for administrative action in the event such is deemed warranted. In the event such is not deemed warranted, furnish reasons therefor.

file in 61-190

SUBSTANTIVE WRITE-UP

AMERICAN CIVIL LIBERTIES UNION (ACLU)
OF SOUTHERN CALIFORNIA, SAN DIEGO CHAPTER
INTERNAL SECURITY - C
San Diego File 100-478
Bureau File 61-190

INSPECTOR GALE: This is a pending active case, San Diego origin,
assigned to SA RUSSELL P. CURTIS.

The file contains a memorandum dated June 2,
1958 to the SAC from SA RUSSELL P. CURTIS setting forth that
former [] on May 25, 1958 furnished SA CURTIS information
concerning a meeting of the ACLU held at Hearing Hall, 3843
Herbert Street, San Diego, on May 22, 1958. b7D

According to the informant, a panel discussion
on the topic, "How Unpopular Can You Afford to Get in Civil
Liberties?" was held. Informant stated that panel members were:

[]
[] San Diego Bar Association

Dr. []
San Diego State College Professor

[]
Wesley Methodist Church

b6
b7C

Dr. []
who was moderator of the panel
Assistant Professor,
San Diego State College

According to informant, the discussion was
conservative. [] stated that when he was with the
FBI he would compare the reports of a meeting of a subversive
organization submitted by various informants and would note
a marked difference in content. The informant stated that
HOWARD GIBSON asked about possible prosecutions of Communists
and others under the Smith Act, and was answered by []
but the informant could not remember what was said.

SAN DIEGO INSPECTION

2/3/59
ELO:mid
4-B

~~25 FEB 25 1959~~

104

ENCLOSURE

61-190-745

5- [Signature]

to SD
2-24-59
JHK:fk

Former [] also reported that among those present at the meeting were LOLITA GIBSON and JOHN PORTER. The San Diego files reflect that HOWARD and LOLITA GIBSON and JOHN W. PORTER are listed in the Security Index.

b7D

The memorandum was initialed by SA CURTIS as having been read by him and was initialed for the file by former SA WILLIAM E. DETTWEILER, now deceased.

Explanations Desired

1) Explanations are requested from SA CURTIS as to the reason [] remarks were not furnished to the Bureau, inasmuch as [].

2) Comments of SAC requested.

b6
b7C
b7D

SA RUSSELL P. CURTIS:

The informant, former [] could not remember the subject matter under discussion nor how the matter of informant reports came up in [] speech. Neither could the informant remember what HOWARD GIBSON had to say concerning the possible prosecution of Communists and others under the Smith Act. He could not remember what [] had said to GIBSON. The informant had been trained to call SA CURTIS whenever he heard anything about the FBI. This he did, remembering that [] had stated that when he was with the FBI, [] would compare the reports of a meeting of a subversive organization submitted by various informants and would note a marked difference in content.

My phraseology concerning the vague account of what [] had to say was unfortunate. However, I had interpreted [] statement as being the attorney's age-old complaint that witnesses give greatly different versions of the same incident and I did not consider it derogatory to the FBI. For these reasons, [] remarks were not furnished to the Bureau.

SAC PIPER: The memorandum in question was prepared by SA CURTIS and initialed for file by former SA DETTWEILER. The matter was never brought to my attention and I was not aware of it in any way.

Mr. Kleinkauf

SAC, Buffalo

February 24, 1959

Director, FBI (61-190)

AMERICAN CIVIL LIBERTIES UNION
INFORMATION CONCERNING
(INTERNAL SECURITY)

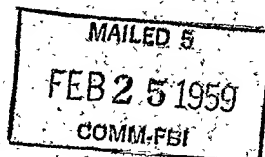
There is enclosed a Photostat of an article entitled "Debate Political Firing of Two Steel Workers at Buffalo ACLU Meeting," which appeared on page 13 of the 2-15-59 issue of "The Worker." The article reflects that the case of two steelworkers who were fired from the Lackawanna Plant of the Bethlehem Steel Company for taking the Fifth Amendment at the 1957 Un-American Committee hearings in Buffalo was the basis of the January meeting of the Niagara Branch of the American Civil Liberties Union. The article further reflects that Professor David R. Kochery of the University of Buffalo Law School debated the rights of union members with Emanuel Tabachnik, UAW representative.

You are instructed to advise the Bureau of the identity of the two steelworkers referred to above, together with a summary of pertinent derogatory information of a subversive nature contained in the files of your office concerning them. You should also furnish a summary of pertinent derogatory information of a subversive nature contained in the files of your office concerning Kochery and Tabachnik. The above request should be limited to information in your files and no investigation nor outside inquiries are to be made in this matter.

Enclosure

EX-101 REC-81

61-190-746



2 FEB 26 1959

Tolson _____
Belmont _____
Mohr _____
Nease _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

JHK:fk (4)

4/97/100

66 MAR 4 1959

MAIL ROOM ☐ TELETYPE UNIT ☐

393/12
JMK

Tolson _____
 Belmont _____
 Mohr _____
 Nease _____
 Parsons _____
 Rosen _____
 Tamm _____
 Trotter _____
 W.C. Sullivan _____
 Tele. Room _____
 Holloman _____
 Gandy _____

REC-81

Debate Political Firing of Two Steel Workers at Buffalo ACLU Meeting

N.Y. {
 BUFFALO. — The case of two steelworkers, who were fired from Bethlehem's Lackawanna plant for taking the 5th Amendment at the '57 Un-American Committee hearings here, was the basis of the January meeting of the Niagara branch of the American Civil Liberties Union. Nearly 100 people heard Prof. David R. Kochery, of the University of Buffalo Law School debate the rights of union members with Emanuel Tabachnik, UAW representative.

The union leadership had refused to take the case to arbitration, as called for in the contract. Instead they told the workers they could get their jobs back

provided they never discussed politics in the shop and did not attend union meetings for a year. Two workers accepted the deal—though one afterwards repudiated it, but two others refused to crawl and are still out. These last two are suing the company and are also taking unavoidable legal action to compel the union leadership to process the grievance.

Prof. Kochery cited many cases in which the courts have ruled that taking the 5th Amendment was insufficient reason for firing, and also many cases in which union leadership was failing to uphold the democratic rights of members.

The two steelworkers spoke at length from the floor.

Shenton
Ball
J. K. [unclear]

Wash. Post and Times Herald _____
 Wash. News _____
 Wash. Star _____
 N. Y. Herald Tribune _____
 N. Y. Journal-American _____
 N. Y. Mirror _____
 N. Y. Daily News _____
 N. Y. Times _____
 Daily Worker _____
 The Worker *79.13* _____
 New Leader _____

Date *2-15-59*

File 61-190

Let to Buffalo, with photostat of above, "Castles" American Civil Liberties Union"
2-24-59
SPK: f K

61-190-746
 ENCL 10

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (61-190)

DATE: 2-26-59

FROM: SAC, SAN DIEGO (100-478)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION
INFORMATION CONCERNING
(INTERNAL SECURITY)

ReBulet 2-24-59 requesting explanations as to why the San Diego Office has carried this matter in a pending active case and why, if investigation was to be conducted, Bureau authority had not previously been requested.

For the Bureau's information, San Diego file 100-478 is carried under the caption "AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALIFORNIA, SAN DIEGO CHAPTER. INTERNAL SECURITY - C". This case was opened and assigned to SA RUSSELL P. CURTIS on 11-29-57 by Relief Supervisor W. E. DETTWEILER, JR. who on that date was sitting on the desk of the Security Supervisor in this office. There is a notation on the serial which opened and assigned the case that "No active investigation; cover by informants only". The Security Supervisor at this time was [redacted] and the matter was handled on the Security Supervisor's Desk until 10-1-58, at which time that desk was discontinued and all matters on it were transferred to the desk of the SAC. The case was opened and assigned only because the San Diego Chapter of the American Civil Liberties Union was an active one, and information had been received concerning the report "OPERATION ABOLITION", a program of the EMERGENCY CIVIL LIBERTIES COMMITTEE and its affiliates against the HCUA, FBI, and Government Security Program.

I have discussed this matter with SA [redacted] who advises that he concurred in the opening and assigning of the case as a device purely and simply for following the smear tactics of the SAN DIEGO CHAPTER, AMERICAN CIVIL LIBERTIES UNION, SAN DIEGO COUNTY, and to make certain that the Bureau was kept currently advised of any information coming to the attention of this office.

A careful review of the file reflects that no active investigation was conducted concerning the AMERICAN CIVIL

Bureau - AIR MAIL

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EX-100

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REC-28 MAR 5 1959

INT. SEC.

THREE

SD #100-478

LIBERTIES UNION, and the spirit of Bureau instructions has been complied with fully. The Bureau has been advised in a series of nine letters since the case was opened and assigned of information which was received through newspaper clippings or through Confidential Sources who volunteered the information to this office.

The San Diego Chapter of this organization continues to be an active one, as judged from the information coming to the attention of this office. However, in accordance with Bureau instructions, this case is being placed in a closed status.

Inasmuch as there has been no violation of any Bureau instruction other than possibly the form in which this matter was followed, no recommendation is being made for any administrative action.

SUBSTANTIVE WRITE-UP

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AMERICAN CIVIL LIBERTIES UNION (ACLU)
OF SOUTHERN CALIFORNIA, SAN DIEGO CHAPTER
INTERNAL SECURITY - C
San Diego File 100-478
Bureau File 61-190

INSPECTOR GALE: This is a pending active case, San Diego origin,
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1958 to the SAC from SA RUSSELL P. CURTIS setting forth that
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Herbert Street, San Diego, on May 22, 1958.

According to the informant, a panel discussion
on the topic, "How Unpopular Can You Afford to Get in Civil
Liberties?" was held. Informant stated that panel members were:

[redacted]
[redacted] San Diego Bar Association

Dr. [redacted]
San Diego State College Professor

[redacted]
Wesley Methodist Church

Dr. [redacted]
who was moderator of the panel
Assistant Professor,
San Diego State College

b6
b7C

According to informant, the discussion was
conservative. [redacted] stated that when he was with the
FBI he would compare the reports of a meeting of a subversive
organization submitted by various informants and would note
a marked difference in content. The informant stated that
HOWARD GIBSON asked about possible prosecutions of Communists
and others under the Smith Act, and was answered by [redacted],
but the informant could not remember what was said. 61-190-

SAN DIEGO INSPECTION

2/3/59
ELO:mid
4-B

NOT RECORDED

25 MAR 4 1959

63 MAR 4 1959

61-190

File
5-JMK

Former [] also reported that among those present at the meeting were LOLITA GIBSON and JOHN PORTER. The San Diego files reflect that HOWARD and LOLITA GIBSON and JOHN W. PORTER are listed in the Security Index.

The memorandum was initialed by SA CURTIS as having been read by him and was initialed for the file by former SA WILLIAM E. DETTWEILER, now deceased.

Explanations Desired

1) Explanations are requested from SA CURTIS as to the reason [] remarks were not furnished to the Bureau, inasmuch as []

2) Comments of SAC requested.

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b7C
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SA RUSSELL P. CURTIS:

The informant, former [] could not remember the subject matter under discussion nor how the matter of informant reports came up in [] speech. Neither could the informant remember what HOWARD GIBSON had to say concerning the possible prosecution of Communists and others under the Smith Act. He could not remember what [] had said to GIBSON. The informant had been trained to call SA CURTIS whenever he heard anything about the FBI. This he did, remembering that [] had stated that when he was with the FBI, [] would compare the reports of a meeting of a subversive organization submitted by various informants and would note a marked difference in content.

My phraseology concerning the vague account of what [] had to say was unfortunate. However, I had interpreted [] statement as being the attorney's age-old complaint that witnesses give greatly different versions of the same incident and I did not consider it derogatory to the FBI. For these reasons, [] remarks were not furnished to the Bureau.

SAC PIPER: The memorandum in question was prepared by SA CURTIS and initialed for file by former SA DETTWEILER. The matter was never brought to my attention and I was not aware of it in any way.

ADDENDUM: 2-17-59.

INSPECTOR JAMES H. GALE: There is no SOG supervisory responsibility to be determined in this matter as the delinquency could have been ascertained only through a review of the San Diego files.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (61-190) DATE: 3/13/59

FROM : SAC, Buffalo (100-2406)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION
INFORMATION CONCERNING
INTERNAL SECURITY)ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

Re Bureau let. 2/24/59.

The article in "The Worker" of 2/15/59, page 13 captioned "Debate Political Firing of Two Steel Workers at Buffalo ACLU Meeting," pertains to EDWARD WOLKENSTEIN and MIROSLAW ZELMAN, both CP members in Buffalo, New York.

MIROSLAW ZELMAN (Bufile 100-411496), came to Buffalo from New York City in approximately January, 1953, under the CP colonization program. He immediately obtained a job in steel at Bethlehem Steel Company, Lackawanna, New York. He remained during this period a CP member at Bethlehem Steel Company until shortly after his appearance as an unfriendly witness before the House Committee on UnAmerican Activities when that body held a hearing in Buffalo in October, 1957. Following his appearance before the HCUA, he was discharged from his job at Bethlehem Steel Company. This action by the company was supported by the local of the United Steel Workers of America, AFL-CIO, to which he belonged. According to [redacted] ZELMAN is currently an active member of the Erie County CP.

The same history applies to EDWARD WOLKENSTEIN (Bufile 100-404065). He has reached a higher status in the Erie County CP in that, according to [redacted] he is now a member of the Erie County CP Board.

- 2 - Bureau (RM)
- 4 - Buffalo

ccs:

- 1 - 100-11900 (MIROSLAW ZELMAN)
- 1 - 100-11862 (EDWARD WOLKENSTEIN)
- 1 - 100-11674 [redacted]

EJT:DH
(6)

MAR 26 1959

~~CONFIDENTIAL~~~~CONFIDENTIAL~~

CLASS. & EXT. BY 6383 DET/CL
REASON-FCIM II, 1-2.4.2
DATE OF REVIEW 8-7-97
Appeal # 9-0175 Per [redacted]
release

REC-30
EX-136b6
b7C
b7D

REC-46

23 MAR 17 1959

INT. SEC.

[Handwritten signature]

~~CONFIDENTIAL~~

BU 100-2406

[redacted] (Bufile 100-409243) is employed as international representative of the United Automobile Workers of America, AFL-CIO, in the Buffalo area. As of 3/4/58, he was considered an active member of the Independent Socialist League. A member of the National Committee of the ISL in March, 1958, reportedly stated, however, that [redacted] was one of several individuals who had resigned from the ISL because of his job, but who still kept in touch with ISL members, attended public meetings, and affairs of the ISL, and donated money to that organization. [redacted] reportedly was a member of the National Committee of the ISL and reportedly attended the ISL national convention held in New York City 7/5-7/57. ~~u~~ *u per previous release*

b6
b7C

Concerning DAVID R. KOCHERY, the files of this office contain no pertinent derogatory information of a subversive nature. On the contrary, Buffalo Office files disclose a copy of a letter under the letterhead of the University of Buffalo School of Law dated 4/11/58, signed by DAVID R. KOCHERY, 339 Middlesex Road, Buffalo. This letter was addressed to "The Worker," New York, New York. In the letter KOCHERY advised that he was in receipt of a copy of a recent edition of "The Worker." He desired to go on record as stating that he resented the receipt of it and was strongly opposed to what that publication represented. He asked that his name be removed from the mailing list of "The Worker." ~~u~~ *u per previous release*

Concerning the aforementioned ACLU meeting in Buffalo, the files of this office contain the following pertinent information: *u*

On January 28, 1959, [BU 205-S] reported that on that date [redacted] Upstate New York CP [redacted] held a discussion with AMY TIESLER, member of the Erie County CP Board, relating to CP matters. [redacted] asked TIESLER what the ACLU meeting of 1/27/59 was like. TIESLER replied that it had been interesting and mentioned that over 100 people were there. She mentioned that DAVID KOCHERY had been the first speaker and concerned himself with the history of the development of trade unionism. During his development of this point, he claimed that originally ~~u~~

b6
b7C

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

BU 100-2406

the Government had no interest in unions, but now the national attitude is that unions must be strictly regulated just like any private organization. According to TIESLER, KOCHERY had also maintained that originally trade unions had been undemocratic concerning entry requirements, but that legislation altered this. ~~(S)~~ *Per previous release*

TIESLER then mentioned that [redacted] (possibly [redacted] was the second speaker and that he was very good. [redacted] according to TIESLER, asked that unions be considered with a certain perspective since it was only because of them that any type of democracy had been introduced into the shops. TIESLER also stated that [redacted] had accepted certain criticisms of union practices. ~~(S)~~ u

b6
b7C

TIESLER then remarked that one of the points which KOCHERY dwelt upon was the reversal by the Supreme Court of Fifth Amendment cases involving Communists and the increasing tendency of the U.S. Supreme Court to avoid these cases on the basis that they should be decided by the State Courts. ~~(S)~~ u

TIESLER also related that both "MARTY" (ZELMAN) and "EDDIE" (WOLKENSTEIN) spoke at this ACLU meeting. TIESLER thought that perhaps "EDDIE" might have made a slight tactical error in that he seemed to limit his remarks to the undemocratic practices in the Steel Workers Union. According to BU 205-S [redacted] spoke up and expressed the belief that "EDDIE" made a mistake and that the company, rather than the union, should have been attacked. TIESLER then remarked that "MARTY" somewhat toned down this viewpoint during his talk. ~~(S)~~

b6
b7C

[redacted] has advised during the past several months that the two discharged steel workers are taking their fight to be reinstated at Bethlehem Steel Company into the courts. In this they are being supported by both the local CP and by the national Party. ZELMAN and WOLKENSTEIN are not only suing Bethlehem Steel Company, but also the local of the United Steel Workers of America to which they belonged. ~~(S)~~

b7D

Kleinkauf

SAC, Honolulu

March 23, 1959

Director, FBI (61-190)

AMERICAN CIVIL LIBERTIES UNION
INFORMATION CONCERNING
(INTERNAL SECURITY)

The Bureau is in receipt of information indicating that the following have been elected to the National Committee of captioned organization:

Joseph Garner - Former Attorney General of Hawaii

Victor Fischer - Attorney of Anchorage, Alaska

Jose Elias Monge - Attorney of San Juan, Puerto Rico

Offices receiving instant communication are instructed to check the name of the individual mentioned above residing in its territory and furnish the Bureau with a summary of any derogatory information of a subversive nature concerning him. This inquiry should be limited strictly to a file review and no inquiry or investigation is to be made.

- 2 - Anchorage
- 2 - San Juan

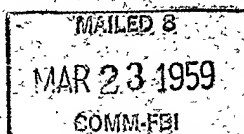
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(8)

ENCLOSURE

REC-25

61-190-749
MAR 24 1959

EX-101



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62 MAR 26 1959
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Burroughs

Hawaiian Named To ACLU Committee

The American Civil Liberties Union Saturday announced the election of Joseph Garner, former attorney general of Hawaii, to its national committee as a gesture toward the 50th state of the union.

The ACLU hailed the entrance of Hawaii as a state as a "sweeping triumph for the principle of self-determination."

The ACLU also announced the election to the national committee of Victor Fischer, attorney of Anchorage, Alaska, and Jose Trias Monge, attorney of San Juan, P.R.

REC-25

ALASKA

PUERTO RICO

CLIPPING FROM THE

N.Y. POST

EDITION 7th BLUE FINAL

DATE 15 MAR 1959

PAGE 28

FOR ALBES BY REASON

RE: AMERICAN CIVIL LIBERTIES
UNION
IS-C

BUFILE 61-190

File
JHK

Let to Honolulu
2 - Anchorage
2 - San Juan
copy "American Civil Liberties Union"
JHK:fn
3/23/59

61-190 - 749
ENCLOSURE

1 - Mr. Simpson

REC-23

March 24, 1959

Mr. [REDACTED]

Minneapolis, Minnesota

Dear Mr. [REDACTED]

Your letter dated March 16, 1959, with its enclosure, has been received, and the interest which prompted your communication is appreciated.

While I would like to be of assistance, the function of the FBI as a fact-gathering agency does not extend to furnishing evaluations or comments concerning the character or integrity of any individual, publication or organization.

I regret, therefore, that I am unable to comply with your request for information concerning the organization you mentioned.

Sincerely yours,

John Edgar Hoover
Director

1 - Minneapolis (enclosure)

ATTENTION: SAC, Minneapolis

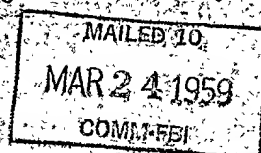
Enclosed is a copy of correspondent's letter. Bureaus contain no identifiable data concerning the correspondent.

NOTE TO MINNEAPOLIS, CONTINUED, PAGE TWO

SEE NOTE ON YELLOW, PAGE TWO

RDS:pw (4)

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67 MAR 30 1959

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Tamm _____
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W.C. Sullivan _____
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Holloman _____
Gandy _____

b6
b7C
Mr. [REDACTED]

NOTE TO MINNEAPOLIS, CONTINUED

The Bureau has not investigated the American Civil Liberties Union (ACLU) with headquarters in New York. The Los Angeles chapter of the ACLU has circulated a petition calling for the abolition of the House Committee on Un-American Activities even though this action was allegedly not in agreement with the policy of the national office. The Seattle chapter of the ACLU in November, 1958, recommended the organization investigate the FBI; however, there has been no definite indication that this recommendation was adopted. In this connection, your attention is directed to SAC Letter 58-82 instructing that the Bureau be advised of any action taken by the ACLU to investigate the FBI.

The correspondent enclosed with his letter a newspaper article entitled "ACLU Opposes Loyalty Oath for Student Loans" from the "Minneapolis Star Journal" dated March 14, 1959. This article indicated that the Minnesota Branch of the ACLU had attacked some aspects of the "federal loans-to-students program" as threatening academic freedom. This was allegedly an endorsement of the national organization's stand on the program and it attacked the "loyalty oath" requirement.

This data is furnished for your information.

NOTE ON YELLOW:

Re enclosed above-mentioned clipping, the correspondent advised he would like to know if the ACLU is a communist front organization.

We have not investigated the ACLU as such and are on friendly terms with its executive director, Mr. Patrick Malin. It is believed, however, that if the correspondent is advised this organization has not been investigated, he may construe such a reply as a clearance of the ACLU by the FBI. In view of the activities of chapters of the ACLU on the West Coast, it is believed that the above reply will best serve the Bureau's interests in this matter.

TRUE COPY

[redacted]
Minneapolis, Minn.

-7-

3-16th 1959

U.S. Dept. of Justice
Fed. Bureau of investigation
Wash. DC.

Dear Sirs:-

This article of the A.C.L.U. was published b6
Mar -14-59 in Mpls Star and I would like to know if b7C
this is a Front communist organization working in our
state.

They hang around out U. of M. and now at state
capitol while law-makers in session.

Yours truly

/s/ [redacted]

TRUE COPY

MINNEAPOLIS, MINN.

3-16th 1959

U.S. Dept. of Justice
Fed. Bureau of Investigation
Wash. D.C.
Dear Sir:-

This article of the A.C.F.U. was published Mar-14-59 in myk. Star. and I would like to know if this is a Front Communist organization working in our State.

They hang around our U. of Min. and now at State Capitol while law-makers in session.

Ack.
1-mp w/encl
3-24-59
RDS:plw

EX-132

REC-23

61-190-750

17 MAR 18 1959

b6
b7C

EX-132
MAR 18 1959

0 A.C.F.U.
Exp P
ENCLOSURE

Handwritten signature and stamp

ACLU Opposes Loyalty Oath for Student Loans

The Minnesota branch of the American Civil Liberties Union (ACLU) Saturday attacked some aspects of the federal loans-to-students program as threatening academic freedom.

The ACLU board of directors, meeting in Minneapolis, endorsed the national organization's stand on the program.

It attacks the "loyalty oath" requirement and says the United States commissioner of education is given too much power in setting standards for students and programs.

The loan program is part of the national defense education act of 1958. The ACLU urged Minnesota colleges not to participate in the program until they are satisfied its provisions do not represent a threat to freedom.

APLS. 3/14/59
APLS. 3/14/59

ENCLOSURE

61-190-750

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (61-190)

DATE: 3/27/59

FROM : SAC, San Juan (100-109)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION
INFORMATION CONCERNING
(INTERNAL SECURITY)EX-124
REC-68

Rebulet dated 3/23/59 to Honolulu captioned as above.

Review of San Juan indices located no derogatory information concerning JOSE TRIAS MONGE who resides in the San Juan territory. It is noted that TRIAS was the subject of a Special Inquiry - State Department investigation which was RUC'd to the Bureau by report of SA ROBERT J. DWYER dated 10/5/54, San Juan file 77-358. F.R.

Further, TRIAS is a member of the Popular Democratic Party of Puerto Rico and on occasions makes public statements on behalf of this incumbent Party and Governor MUNOZ MARIN, who is the head of this Party and the present Governor of Puerto Rico.

The ASAC of the San Juan Office and myself are both personally acquainted with TRIAS.

- ② - Bureau (RM)
1 - San Juan

JFS:mls
(3)

REC-4

61-190-751

25 MAR 30 1959

EX 105

SEC

73
67 APR 6 1959

AMERICAN CIVIL LIBERTIES UNION

170 FIFTH AVENUE

NEW YORK 10, N. Y.

ACLU GEOGRAPHY - JANUARY 1, 1959 (BEGINNING THE UNION'S 40th YEAR)

National Population 177,400,000 (about 1,500,000 under Census estimate, because of rounding State figures to nearest 100,000)

Totals ACLU Membership 44,500 (250 abroad) - compare 1949: 10,000 (nearly half in NYC) Ratio of ACLU memb. to pop., per 100,000: 25.1 - compare 1949: 6.5

Affiliates - 24 in 20 States, with headquarters or chapters in 70 communities, 8 affiliates have full-time offices, 5 part-time offices.

Each of those 20 States has a population over 1,500,000; the other 13 States of that size, nearly all in the South or on the border, are the following (population rank in parentheses): Texas (6), New Jersey (8), North Carolina (11), Georgia (15), Virginia (16), Tennessee (17), Alabama (19), South Carolina (25), Mississippi (27), Oklahoma (28), Kansas (29), West Virginia (30), and Arkansas (32).

Among the 70 communities are all of the 20 cities with populations over 500,000 except Houston and Kansas City, and 12 of the other 30 cities with populations over 200,000.

National Board - 35, including 5 affiliate board or advisory council members - Connecticut, Massachusetts, New York City (2), Philadelphia - and one of the Washington (D.C.) cooperating attorneys; 12 of the 35 were first elected before 1950, 23 since.

National Committee - 79, from 25 States, District of Columbia, Hawaii and Puerto Rico; 33 first elected before 1950, 46 since.

State Correspondents - in all States with no affiliates. (In addition to those listed below there is one in Virgin Islands, an attorney).

Cooperating Attorneys (cards in national office) - 630 in 250 cities of 47 States and D.C. (This is probably 200 below the actual total, mainly because only the Florida, Indiana and Pennsylvania affiliates have reported statistics on their attorneys.)

REC-136

61-190-752

The 44,500 members, of course, reside in many more cities than those of the affiliates, chapters, National Committee, State Correspondents and Cooperating Attorneys.

23 APR 3 1959

ENCLOSURE

ENCLOSURE

67 APR 10 1959

61-190

-2-

Northeastern Population 49,800,000 ACLU membership: 1,418; ratio of ACLU memb. to population, per 100,000: 37.0

States Affiliates 7 in 5 States, in 17 communities (mostly in Connecticut, Massachusetts and Pennsylvania)
(12+D.C.)

National Board and national offices - New York City and Washington

National Committee 42 in 7 States and D.C.; 23 first elected before 1950, 19 since; ratio of National Committeemen to population: 1-1,200,000

Cooperating Attorneys 263 in 96 cities of all 12 States (especially New York and Pennsylvania) and D.C.

Southeastern Population 32,300,000 ACLU membership: 1,703; ratio of ACLU memb. to population, per 100,000: 5.3

States Affiliates 2 in 2 States (Florida and Louisiana), in 4 communities (3 of them in Florida)
(10)

National Committee 9 in 5 States; 3 first elected before 1950, 6 since; ratio of National Committeemen to population: 1-3,600,000

Cooperating Attorneys 74 in 43 cities of all 10 States (especially Arkansas, Florida and North Carolina)

Midwestern Population 49,200,000 ACLU membership: 10,059; ratio of ACLU memb. to population, per 100,000: 20.4

States Affiliates 10 in all 9 States, in 23 communities (mostly in Indiana and Ohio)
(9)

National Committee 11 in 6 States; 4 first elected before 1950, 7 since; ratio of National Committeemen to population: 1-4,500,000

Cooperating Attorneys 149 in 59 cities of all 9 States (especially Indiana, Michigan and Ohio)

Plain-Mountain Population 23,200,000 ACLU membership: 1,924; ratio of ACLU memb. to population, per 100,000: 8.3

States Affiliates 1 (Colorado) in 2 communities
(14)

National Committee 6 in 3 States; 1 first elected before 1950, 5 since; ratio of National Committeemen to population: 1-3,900,000

Cooperating Attorneys 81 in 33 cities of 12 States (especially Colorado and Texas)

Pacific Coast Population 19,400,000 ACLU membership: 12,062; ratio of ACLU memb. to population, per 100,000: 62.2

States Affiliates 4 in 3 States, in 23 communities (mostly in Southern California)
(4)

National Committee 9 in all 4 States; 2 first elected before 1950, 7 since; ratio of National Committeemen to population: 1-2,200,000

Cooperating Attorneys 49 in 16 cities of all 4 States (especially California)

Islands Hawaii Population 700,000 ACLU membership: 46; ratio of ACLU memb. to population, per 100,000: 6.6

National Committee 1 in Honolulu, an attorney; first elected in 1958

Correspondent Honolulu

Puerto Rico Population 2,800,000 ACLU memb. 22; ratio of ACLU memb. to population, per 100,000: 0.8

National Committee 1 in San Juan, an attorney; first elected in 1958

Correspondent San Juan (attorney - there are two other cooperating attorneys)

NORTHEASTERN STATES

MAINE

Population: 900,000 Population rank: 36
 ACLU membership: 95
 Memb/population ratio: 10.6 Memb/pop. rank: 27
 Cooperating Attorneys: 4 in 3 cities: Auburn, Bar Harbor, Lewiston
 State Correspondent: Brunswick

NEW HAMPSHIRE

Population: 600,000 Population rank: 45
 ACLU Membership: 147
 Memb/population ratio: 24.5 Memb/pop. rank: 16
 National Committee: 2 in 2 cities: Dublin, Hanover; both first
 elected since 1950
 Cooperating Attorneys: 2 in 2 cities: Laconia, Manchester
 State Correspondent: Manchester

VERMONT

Population: 400,000 Population rank: 47
 ACLU membership: 108
 Memb/population ratio: 27.0 Memb/pop. rank: 12
 Cooperating Attorneys: 3 in 3 cities: Bennington, Burlington, Middlebury
 State Correspondent: Burlington (attorney)

MASSACHUSETTS

Population: 4,900,000 Population rank: 9
 ACLU membership: 2320
 Memb/population ratio: 47.3 Memb/pop. rank: 5
 Affiliate (State-wide): Boston (full-time office)
 Chapters: Northampton, Springfield, Worcester
 National Committee: 5 in 3 cities: Amherst, Boston, Cambridge (3);
 1 first elected before 1950, 4 since; 1 on
 affiliate board
 Cooperating Attorneys: 20 in 6 cities: Boston, Fitchburg, Lynn, Peabody,
 Springfield, West Newton

RHODE ISLAND

Population: 800,000 Population rank: 40
 ACLU membership: 152
 Memb/population ratio: 19.0 Memb/pop. rank: 18
 Cooperating Attorneys: 4 in 2 cities: Providence, Wakefield
 State Correspondent: Providence (attorney)

CONNECTICUT

Population: 2,300,000 Population rank: 26
 ACLU membership: 1125
 Memb/population ratio: 49.0 Memb/pop. rank: 4
 Affiliate (State-wide): New Haven
 Chapters: Bridgeport, Hartford
 National Committee: 3 in 3 cities: Bridgeport, Deep River, Georgetown;
 2 first elected before 1950, 1 since
 Cooperating Attorneys: 18 in 8 cities: Bridgeport, Hartford, Middletown,
 New Haven, Stamford, Trumbull, Waterbury, Westport

NEW YORK

Population: 16,800,000 Population rank: 1

AGLU membership: 8553

Memb/population ratio: 50.9 Memb/pop. rank: 3

Affiliates

 New York City (full-time office), Niagara
 Frontier (Buffalo)

 Chapter: Queens (New York City borough)

National Committee: 18 in 4 cities: New York City (15), Nyack,
Poughkeepsie, U.N.; 13 first elected before
1950 (11 from New York City), 5 since

Cooperating Attorneys: 112 in 25 cities: Albany, Bay Shore, Buffalo,
Central Valley, Cortland, Endicott, Glens Falls,
Highland Falls, Hudson Falls, Jamestown, Mt. Vernon,
Neponsit, Newburgh, New York City, Pleasantville,
Poughkeepsie, Rochester, Scarsdale, Springville,
Syracuse, Tarrytown, Troy, Utica, Warwick, Yonkers

NEW JERSEY

Population: 5,600,000 Population rank: 8
 ACLU membership: 1600
 Memb/population ratio: 28.6 Memb/pop. rank: 10
 Chapter (of Phila. affil.): Camden

National Committee: 3 in 2 cities: Princeton (2), Trenton;
 1 first elected before 1950, 2 since

Cooperating Attorneys: 22 in 14 cities: Atlantic City, Hightstown,
 Jersey City, Manville, Mt. Holly; Newark,
 New Brunswick, Paterson, Perth Amboy, Princeton,
 Orange, Rahway, Summit, Union City

State Correspondent: Newark (attorney)

PENNSYLVANIA

[illegible]

DELAWARE

Population:	400,000	Population rank:	46
ACLU Membership:	111		
Memb/population ratio:	27.8	Memb/pop. rank:	13
Affiliate:	(Philadelphia)		
Cooperating Attorney:	1 in Wilmington		
State Correspondent:	Wilmington (attorney)		

MARYLAND

Population:	3,500,000	Population rank:	22
ACLU Membership:	762		
Memb/population ratio:	25.4	Memb/pop. rank:	14
Affiliate (State-wide):	Baltimore (part-time office)		
National Committee:	1 in Baltimore; first elected since 1950		
Cooperating Attorneys:	4 in Baltimore		

WEST VIRGINIA

Population:	2,000,000	Population rank:	30
ACLU Membership:	42		
Memb/population ratio:	2.1	Memb/pop. rank:	47
Cooperating Attorneys:	2 in 2 cities: Charleston, Moundsville		
State Correspondent:	Charleston (attorney)		

D.C.

Population:	900,000	Population rank:	37
ACLU Membership:	618		
Memb/population ratio:	68.7	Memb/pop. rank:	2
National Committee:	6; 4 first elected before 1950, 2 since		
Cooperating Attorneys:	15		

SOUTHEASTERN STATES

VIRGINIA

Population: 3,800,000 Population rank: 16
 ACLU Membership: 312
 Memb/population ratio: 8.2 Memb/pop. rank: 33
 Cooperating Attorneys: 9 in 6 cities: Danville, Lexington, Norfolk,
 Richmond, Roanoke, Washington
 State Correspondent: Annandale

NORTH CAROLINA

Population: 4,400,000 Population rank: 11
 ACLU Membership: 228
 Memb/population ratio: 5.2 Memb/pop. rank: 42
 National Committee: 1 in Linville Falls; first elected since 1950
 Cooperating Attorneys: 14 in 9 cities: Asheville, Chapel Hill,
 Charlotte, Durham, Fayetteville, Greensboro,
 High Point, Raleigh, Rocky Mount
 State Correspondent: High Point (attorney)

SOUTH CAROLINA

Population: 2,400,000 Population rank: 25
 ACLU Membership: 39
 Memb/population ratio: 1.6 Memb/pop. rank: 49
 Cooperating Attorneys: 2 in 2 cities: Columbia, Greenville
 State Correspondent: Greenville (attorney)

GEORGIA

Population: 3,800,000 Population rank: 15
 ACLU Membership: 111
 Memb/population ratio: 3.0 Memb/pop. rank: 45
 National Committee: 4 in 3 cities: Atlanta (2), Clayton,
 Gainesville; 2 first elected before 1950, 2 since
 Cooperating Attorneys: 6 in 3 cities: Atlanta, Cartersville, Columbus
 State Correspondent: Atlanta (attorney)

FLORIDA

Population: 4,100,000 Population rank: 13
 ACLU Membership: 583
 Memb/population ratio: 14.2 Memb/pop. rank: 24
 Affiliate (State-wide): Miami
 Chapters: Gainesville, St. Petersburg- Tampa
 National Committee: 2 in 2 cities: Daytona Beach, Miami; both
 first elected since 1950; 1 on affiliate board
 Cooperating Attorneys: 10 in 6 cities: Bartow, Jacksonville, Miami,
 Pensacola, St. Petersburg, West Palm Beach

TENNESSEE

Population: 3,500,000 Population rank: 17
 ACLU Membership: 139
 Memb/population ratio: 4.0 Memb/pop. rank: 44
 National Committee: 1 in Nashville; first elected since 1950
 Cooperating Attorneys: 6 in 3 cities: Knoxville, Memphis, Nashville
 State Correspondent: Nashville (attorney)

ALABAMA

Population:	3,200,000	Population rank:	19
ACLU Membership:	56		
Memb/population ratio:	1.8	Memb/pop. rank:	48
National Committee:	1 in Montgomery; first elected before 1950		
Cooperating Attorneys:	6 in 3 cities: Birmingham, Mobile, Montgomery		
State Correspondent:	(Position temporarily vacant)		

MISSISSIPPI

Population:	2,200,000	Population rank:	27
ACLU Membership:	23		
Memb/population ratio:	1.0	Memb/pop. rank:	50
Cooperating Attorneys:	2 in 2 cities: Biloxi, Gulfport		
State Correspondent:	Gulfport (attorney)		

ARKANSAS

Population:	1,800,000	Population rank:	32
ACLU Membership:	46		
Memb/population ratio:	2.6	Memb/pop. rank:	46
Cooperating Attorneys:	11 in 7 cities: Blytheville, Fayetteville, Fort Smith, Hot Springs, Little Rock, Pine Bluff, Texarkana		
State Correspondent:	Little Rock		

LOUISIANA

Population:	3,100,000	Population rank:	20
ACLU Membership:	166		
Memb/population ratio:	5.4	Memb/pop. rank:	41
Affiliate (State-wide):	New Orleans		
Cooperating Attorneys:	8 in 2 cities: New Orleans, Shreveport		

MIDWESTERN STATES

MICHIGAN

Population: 7,900,000 Population rank: 7
 ACLU Membership: 1153
 Memb/population ratio: 14.6 Memb/pop. rank: 20
 Affiliates: Detroit, Lansing
 Cooperating Attorneys: 23 in 9 cities: Ann Arbor, Cadillac, Detroit, Lansing, Marquette, Muskegon, Pontiac, Sault Ste Marie, Wayne

OHIO

Population: 9,600,000 Population rank: 5
 ACLU Membership: 1988
 Memb/population ratio: 20.7 Memb/pop. rank: 17
 Affiliate (State-wide): Cleveland (full-time office);
 Chapters: Cincinnati, Columbus, Dayton, Oberlin, Toledo, Yellow Springs, Youngstown
 National Committee: 2 in 2 cities: Cleveland, Columbus; both first elected since 1950
 Cooperating Attorneys: 34 in 8 cities: Canton, Cincinnati, Cleveland, Columbus, Dayton, Mansfield, Toledo, Youngstown

INDIANA

Population: 4,600,000 Population rank: 10
 ACLU Membership: 822
 Memb/population ratio: 18.0 Memb/pop. rank: 19
 Affiliate (State-wide): Indianapolis (part-time office)
 Chapters: Bloomington, Gary, Lafayette, South Bend
 National Committee: 1 in Bloomington; first elected since 1950; on affiliate board
 Cooperating Attorneys: 20 in 15 cities: Bloomington, Brookville, East Chicago, Evansville, Fort Wayne, Gary, Hammond, Indianapolis, Jeffersonville, Marion, Muncie, New Albany, Rushville, South Bend, Warsaw

KENTUCKY

Population: 3,100,000 Population rank: 21
 ACLU Membership: 216
 Memb/population ratio: 7.0 Memb/pop. rank: 37
 Affiliate (State-wide): Louisville
 Chapter: Lexington
 Cooperating Attorneys: 8 in 3 cities: Fort Knox, Louisville, Paducah

WISCONSIN

Population: 3,900,000 Population rank: 14
 ACLU Membership: 560
 Memb/population ratio: 14.4 Memb/pop. rank: 23
 Affiliate (State-wide): Madison
 Chapter: Milwaukee
 National Committee: 1 in Madison; first elected since 1950; on affiliate board
 Cooperating Attorneys: 18 in 8 cities: Abbotsford, Kenosha, Madison, Medford, Milwaukee, Racine, Sheboygan, Shell Lake

ILLINOIS

Population: 9,700,000 Population rank: 4
 ACLU Membership: 3464
 Memb/population ratio: 35.7 Memb/pop. rank: 6
Affiliate (State-wide): Chicago (full-time office)
National Committee: 3 in Chicago; all first elected before 1950;
 2 on affiliate board (1 honorary chairman)
Cooperating Attorneys: 12 in 3 cities: Aurora, Chicago, Pekin

MINNESOTA

Population: 3,300,000 Population rank: 18
 ACLU Membership: 880
 Memb/population ratio: 26.7 Memb/pop. rank: 13
Affiliate (State-wide): Minneapolis (part-time office)
Cooperating Attorneys: 12 in 6 cities: Brainerd, Duluth, Hopkins,
 Mankato, Minneapolis, St. Paul

IOWA

Population: 2,700,000 Population rank: 24
 ACLU Membership: 341
 Memb/population ratio: 12.6 Memb/pop. rank: 25
Affiliate (State-wide): Des Moines
National Committee: 2 in 2 cities: Adel, Des Moines; both first
 elected since 1950; 1 on affiliate board
Cooperating Attorneys: 7 in 3 cities: Cedar Rapids, Davenport,
 Waterloo

MISSOURI

Population: 4,400,000 Population rank: 12
 ACLU Membership: 635
 Memb/population ratio: 14.4 Memb/pop. rank: 22
Affiliate: St. Louis
National Committee: 2 in St. Louis; 1 first elected before 1950,
 1 since
Cooperating Attorneys: 15 in 4 cities: Kansas City, Pacific,
 St. Louis, Springfield

PLAIN-MOUNTAIN STATES

TEXAS

Population:	9,400,000	Population rank:	6
ACLU Membership:	402		
Memb/population ratio:	4.3	Memb/pop. rank:	43
National Committee:	2 in Austin; both first elected since 1950		
Cooperating Attorneys:	24 in 4 cities: Dallas, Houston, San Antonio, Tyler		
State Correspondent:	(Position temporarily vacant)		

OKLAHOMA

Population:	2,200,000	Population rank:	28
ACLU Membership:	134		
Memb/population ratio:	6.0	Memb/pop. rank:	39
Cooperating Attorneys:	8 in 2 cities:	Oklahoma City, Tulsa	
State Correspondent:	Oklahoma City		

KANSAS

Population:	2,200,000	Population rank:	29
ACLU Membership:	176		
Memb/population ratio:	8.0	Memb/pop. rank:	34
National Committee:	2 in 2 cities: Emporia, Topeka; both first elected since 1950		
Cooperating Attorneys:	9 in 5 cities: Emporia, Kansas City, Sharon Springs, Topeka, Wichita		
State Correspondent:	Topeka (attorney)		

NEBRASKA

Population:	1,400,000	Population rank:	34
ACLU Membership:	88		
Memb/population ratio:	6.3	Memb/pop. rank:	38
Cooperating Attorneys:	3 in Lincoln		
State Correspondent:	Lincoln (attorney)		

SOUTH DAKOTA

Population:	700,000	Population rank:	41
ACLU Membership:	38		
Memb/population ratio:	5.4	Memb/pop. rank:	40
Cooperating Attorneys:	(none)		
State Correspondent:	Sioux Falls		

NORTH DAKOTA

Population:	700,000	Population rank:	42
ACLU Membership:	51		
Memb/population ratio:	7.3	Memb/pop. rank:	36
Cooperating Attorneys:	5 in 3 cities:	Bismarck, Fargo, Jamestown	
State Correspondent:	Fargo (attorney)		

NEW MEXICO

Population: 900,000,000 Population rank: 39
 ACLU Membership: 130
 Memb/population ratio: 14.4 Memb/pop. rank: 21
Cooperating Attorneys: 2 in 2 cities: Albuquerque, Santa Fe
State Correspondent: Albuquerque (attorney)

COLORADO

Population:	1,700,000	Population rank:	33
ACLU Membership:	607		
Memb/population ratio:	35.7	Memb/pop. rank:	7
Affiliate (State-wide):	Denver (part-time office)		
Chapter:	Boulder		
National Committee:	2 in Denver; 1 first elected before 1950, 1. since		
Cooperating Attorneys:	18 in 5 cities: Colorado Springs, Denver, Ft. Collins, Greeley, Lamar		

WYOMING

Population:	300,000	Population rank:	48
ACLU Membership:	31		
Memb/population ratio:	10.3	Memb/pop. rank:	29
Cooperating attorneys:	(none)		
State Correspondent:	Laramie		

MONTANA

Population:	700,000	Population rank:	43
ACLU Membership:	73		
Memb/population ratio:	10.4	Memb/pop. rank:	28
Cooperating Attorneys:	5 in 4 cities: Baker, Glasgow, Great Falls, Helena		
State Correspondent:	Great Falls (attorney)		

ARIZONA

Population:	1,200,000	Population rank:	35
ACLU Membership:	145		
Memb/population ratio:	12.1	Memb/pop. rank:	26
Cooperating Attorneys:	3 in 2 cities: Phoenix, Tucson		
State Correspondent:	Tucson (attorney)		

UTAH

Population:	900,000	Population rank:	38
ACLU Membership:	75		
Memb/population ratio:	8.3	Memb/pop. rank:	32
Cooperating Attorneys:	2 in 2 cities: Brigham City, Salt Lake City		
State Correspondent:	Salt Lake City (attorney)		

NEVADA

Population:	300,000	Population rank:	49
ACLU Membership:	28		
Memb/population ratio:	9.3	Memb/pop. rank:	30
Cooperating Attorneys:	1 in Reno		
State Correspondent:	Reno (attorney)		

IDAHO

Population:	600,000	Population rank:	44
ACLU Membership:	53		
Memb/population ratio:	8.8	Memb/pop. rank:	31
Cooperating Attorneys:	1 in Idaho Falls		
State Correspondent:	Idaho Falls (attorney)		

PACIFIC COAST STATES

CALIFORNIA

Population: 14,500,000

Population rank: 2

ACLU Membership: 10,675 *

Memb/population ratio: 73.6 Memb/pop. rank: 1

Affiliates (covering Los Angeles, San Francisco; (both with full-State): time offices)

Chapters: Northern California: Marin County;
 Southern California: Beverly Hills-Westwood,
 Culver-Westchester, East Los Angeles,
 Hollywood, Long Beach, Northeast Los Angeles,
 Pasadena, San Bernardino-Riverside, San
 Diego, San Fernando Valley, San Gabriel
 Valley, Southwest Los Angeles, UCLA,
 Ventura, Whittier, Whittier College, Wilshire

National Committee: 6 in 3 cities: Berkeley (4), Los Angeles, San Francisco; 1 first elected before 1950, 5 since; 3 on affiliate boards

Cooperating Attorneys: 23 in 8 cities: Beverly Hills, Los Angeles, North Hollywood, Oakland, Pasadena, San Francisco, Saratoga, Temple City

* This may be inflated, because of estimating too small on overlap (500) of national members (1800) with the Northern California affiliate's independently maintained membership (4000).

OREGON

Population: 1,800,000

Population rank: . 31

ACLU Membership: 528

Memb/population ratio: 29.3 Memb/pop. rank: 9

Affiliate (State-wide): Portland

National Committee: 1 in Portland; first elected since 1950

Cooperating Attorneys: 14 in 3 cities: Eugene, Portland, Salem

WASHINGTON

Population: 2,800,000

Population rank: 23

ACLU Membership: 836

Memb/population ratio: 29.9 Memb/pop. rank: 8

Affiliate (State-wide): Seattle (part-time office)

Chapter: Tacoma

National Committee: 1 in Spokane; first elected before 1950

Cooperating Attorneys: 10 in 4 cities: Everson, Lynnwood,
Seattle, Spokane

ALASKA

Population: 300,000

Population rank: 50

ACLU Membership: 23

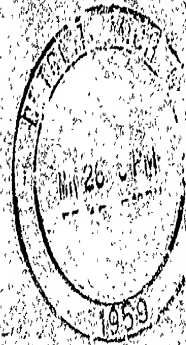
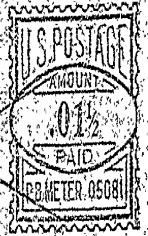
Memb/population ratio: 7.7 Memb/pop. rank: 35

National Committee: 1 in Anchorage; first elected in 1958

Cooperating Attorneys: 2 in Anchorage

State Correspondent: (Position temporarily vacant)

5220 Thirteenth
Detroit Michigan



Mr. J. Edgar Hoover
United States Department of Justice
Federal Bureau of Investigation
Washington, D. C.

Received
May 26 1959

FILE 61-190

CRIME REC.

enc
x

Routing Slip
FD-4 (8-18-54)

Date 3/21/59

To

☒ Director

BU FILE # 61-190
SJ FILE # 100-109

Att.

Title

REC-25

☐ SAC

☐ ASAC

☐ Supv.

☐ Agent

☐ SE

☐ CC

☐ Steno

☐ Clerk

AMERICAN CIVIL LIBERTIES
UNION (ACLU)

ACTION DESIRED

☐ Reassign to

☐ Initial & return

☐ Open Case

☐ Send Serials

☐ Search & return

☐ Expedite

☐ Submit report by

☐ Recharge serials

☐ Correct

☐ Prepare tickler

☐ Call me

☐ Return serials

☐ See me

☐ Acknowledge

☐ Type

☐ Submit new charge-out

☐ Bring file

☐ File

☐ Leads need attention

☐ Delinquent

☐ Return with explanation or notation as to action taken.

Enclosed are 2 copies of translation of an article appearing in 3/24/59 issue of "El Mundo" concerning captioned organization.

ENCLOSURE
C.L. W. 9/24/59
Dir 6-RM 5/12/59 INFO

SAC

SAN JUAN

Office

50 APR 9 1959

REC-25

61-190-753

NOT RECORDED

17 APR 6 1959

EX-136

TRANSLATING FROM THE SPANISH

EL MUNDO
San Juan, Puerto Rico
March 24, 1959
Page 5; Cols. 5,6,7&8

New York University Dean:

ASKS DR. AMADEO TO RECOMMEND A PUBLIC
OFFICIAL FOR AWARD

By Nathaniel Soltero

Dr. SANTOS P. AMADEO, as Special Representative
of the American Civil Liberties Union, has been asked to
recommend for a \$500 award and scroll, any one of the Puerto
Rican public officials who are in charge of enforcing the
laws which guarantee the rights of an accused criminal.

The learned man revealed to El Mundo yesterday,
that he will not be able to recommend anyone now, because
in his opinion, "no public official in Puerto Rico fulfills
the requirements, up to now."

According to the message received by Dr. AMADEO
from Mr. RUSSELL D. AMILES, Dean of the College of Law of
New York University, this College has received a fund which
will award a prize, from time to time, "to a public official
in charge of law enforcement and who, by his actions, has
shown conspicuous concern in guaranteeing the rights of an
accused criminal."

"I am writing to you," said Mr. RUSSELL'S letter
to Professor AMADEO, "to ask for your help in recommending
from the public officials, one, who in your opinion deserves
the award."

Mr. RUSSELL also informs that the fund was established
in honor of the memory of the late Judge JEROME N. FRANK who
frequently expressed the hope that something could be done,
"so that the high ideals attained with the principles of
our Superior Courts be integrated to the habits of the police

Translated by: [REDACTED]

3/26/59

61-190-953
ENCLOSURE

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officers, District Attorneys and other such public officials, who are the ones who can give a feeling of truth and meaning to these ideals, by using them in their law enforcement duties."

He goes on to say that, "it is considered that by honoring a person who has observed the ideals of honest law enforcements, the prize would add prestige to the Integrity and justice of officials' would add prestige to the integrity and justice of officials' conducts and not merely achieve a high percentage of convictions."

The selection of a public official, recipient of the honor of the award, will be delegated to a committee, presided by Judge SIMON H. RIFKIND, to whom the College of Law of New York University will submit the suggestions or recommendation which are made. The award consists of \$500 and an honor scroll.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (61-190)

DATE: 4-1-59

FROM : SAC, ANCHORAGE (62-401)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION
INFORMATION CONCERNING
(INTERNAL SECURITY)

Re Bulet to Honolulu 3-23-59

The Anchorage Daily News 3-14-59 issue carried a UPI article, dateline New York, in which it stated the ACLU had welcomed Statehood for Hawaii by electing JOSEPH GARNER ANTHONY, former Attorney General of Hawaii, to its National Committee. The ACLU also announced that Attorneys VICTOR FISCHER of Anchorage, Alaska and JOSE TRIAS MONGE of San Juan, Puerto Rico, have been named to the National Committee.

On 4-11-56, Mr. [redacted] Attorney, Juneau, Alaska advised ASAC KARL W. DISSLY he was in Anchorage for the purpose of furthering his candidacy for the Territorial Legislature and he had debated with several Anchorage political leaders relative to the Alaska Constitution. He stated his purpose in appearing at the Bureau Office was to report individuals whom he felt may have been a part of a conspiracy having security ramifications in connection with the Alaska Constitutional Convention. He stated [redacted] and others had been publicly reported as responsible for having the word "God" removed from the constitution as approved by the Constitutional Committee. He stated he suspected [redacted] and others on the Constitutional Committee because he did not consider the Constitution of Alaska as being well conceived. He stated he had nothing specific to report concerning these individuals.

By letter dated 11-29-56 to Mr. and Mrs. [redacted] "The Voice of [redacted] Sitka, Alaska (Bureau file 100-425625), copies of which were forwarded to Anchorage, the Bureau enclosed copies of [redacted] letter to the Bureau dated 11-18-56. The [redacted] complained of one [redacted] (true name, [redacted]) suspecting him as a Communist, stating he was most aggressive, spoke Russian fluently and claimed aspirations to study in a Russian Orthodox Seminary.

2-Bureau (61-190) (Registered Mail)
2-Anchorage (1-62-401) (1-100-1963)

JEP:ddw

50 APR 13 1959

REC- 69

NOT XED

IND. REC.

APR 6 1959

AN 62-401

In the same letter, the [] stated [] from Anchorage was recently in Sitka with Mrs. [] and they appeared most friendly with [] They stated [] seemed nice but his wife was certainly awfully pink".

Investigation of [] disclosed no subversive activity or attachment.

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Interview of Mr. [] 12-4-56 by SA CHARLES R. ST. JOHN as recorded in Anchorage letter to the Bureau 1-17-57 reflects the then Mayor of Sitka, MYRTH SARVELLA, upon seeing [] being friendly with the [] commented that she had heard that Mrs. [] was formerly a newspaper woman and she implied that Mrs. [] had been dismissed from her newspaper work for slander and for writing articles sympathetic with the Russian Government.

On 8-11-54, Mr. [] New Orleans, Louisiana, who has requested his identity be concealed, furnished to SAs [] and [] several thousand cards belonging to the Southern Conference for Human Welfare (SCHW) and Southern Conference Educational Fund, Inc. (SCEF) (see New Orleans letter to the Bureau 2-4-55, Bufile 100-10355 concerning these organizations). In [] opinion these cards constitute a partial mailing list of the SCEF. One of these cards bears the name [] Anchorage, Alaska.

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Between 4-22-58 and 4-30-58, Mr. [] made available approximately 17,953 cards bearing the names of persons to whom literature of the SCEF was mailed (See New Orleans letter to the Bureau 11-12-55 concerning SCEF, Bureau File 100-10355). In [] opinion, these cards represent contributors to the SCEF. Among these cards is one bearing the name of [] Anchorage. Mr. [] is described as a New Orleans businessman who has some knowledge of the activities of the SCEF and who has furnished reliable information in the past.

AN 62-401

New Orleans in this latter communication furnished the following thumbnail sketch of the SCEF.

An amendment to the charter of the Southern Conference for Human Welfare (SCHW), which has been cited by the Congressional Committee on Un-American Activities as a Communist front, changed the name of the organization to the Southern Conference Educational Fund, Inc. (SCEF), and listed its purposes as being to improve the educational and cultural standards of the southern people in accordance with the highest American democratic institutions, traditions and ideals. The amendment was dated April 26, 1946.

Confidential Informant T-1, who is familiar with some phases of Communist Party activity in the New Orleans area, advised on June 29, 1956, that during the time the SCHW was in existence, Communist Party members were members of and worked actively in the SCHW. However, since the formation of the SCEF, Inc., rank and file Communist Party members have not been encouraged to work in the SCEF. Informant stated that the SCEF is a progressive liberal organization which he considers a Communist Party front organization because it has gone along with the Communist Party on certain issues, particularly on the racial question, and through the years certain Communist Party members in the New Orleans area have been assigned to work in the organization to further Communist Party principles.

Informant considers JAMES DOMBROWSKI, the Executive Director of the SCEF, as a Communist Party member because he follows Communist principles, but he is not under Communist Party discipline. Many prominent people who are officials and members of the organization, while liberal in their views, are by no means Communists.

Confidential Informant T-1 advised on May 22, 1958, that the status of the Southern Conference Educational Fund, Inc., remains unchanged.

The Communist Party, USA, has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

T-1: [redacted], who has furnished reliable information in the past.

This informant does not desire identity disclosed, to make a signed statement or to testify before a hearing board.

Careful consideration has been given to the source concealed by T Symbol. Use of the T Symbol was absolutely necessary.

The report of SA DOYCE E. COCHRAN 10-29-54 at Anchorage entitled [redacted] SM-C reveals Mrs. [redacted], Central, Alaska in a letter dated 8-12-54 advised that an article appearing in the Reader's Digest magazine entitled "To Solve That Problem" was connected with the Communist movement in Alaska. She further advised that film addressed to the Kodak Processing Laboratory, Rochester, New York [redacted] was connected with the "Communist Butterfly Movement". She later furnished papers with scribblings and ink lines in which she thought she recognized triangles and dots that she had seen in the Reader's Digest.

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It was determined that the scribblings were made by her young son and that Mrs. [redacted] was a paranoiac.

The files of the Anchorage Office contain no additional information concerning [redacted]

Closed.

Office Memorandum

UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: March 6, 1959

FROM : SAC, CHICAGO (100-20620)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION,
ILLINOIS DIVISION, Booklet Entitled
"Secret Detention by the Chicago Police",
Report by American Civil Liberties Union,
Illinois Division, Publisher, "The Free
Press", Glencoe, Illinois
INFORMATION CONCERNING

There is enclosed herewith a booklet entitled
"Secret Detention by the Chicago Police", described thereon
as a report by the American Civil Liberties Union (ACLU),
Illinois Division, which was published by "The Free Press",
Glencoe, Illinois, January, 1959.

This booklet, which consists of 47 pages, is
described in the Foreword of the book as being the result of
the study which was initiated by the Police and Criminal Law
Committee of the Illinois Division, ACLU, under the Co-chairmanship
of CHARLES LIEBMAN and Mrs. JOHN BARTLOW MARTIN.

The Foreword notes that the formation and direction
of the project was undertaken by DONALD PAGE MOORE, Staff
Counsel for the Division from 1956 to 1958. It notes that
MOORE was responsible for the basic writing and organization
of the report.

The Foreword states that in the collection and
tabulation of the statistical material, he, MOORE, was assisted
by the following:

KAREN HILLMAN
KENTON SMITH
MORRIS GORDON
SYLVIA CALLISTEIN
MICHAEL KIRK
PATRICIA VAN METRE
ANNE DAVIS
ANNE HEISLER
PATRICIA ALDRICH

2- Bureau (REGISTERED) (Encl. 1)
1- Chicago
CNF/njb
(3)

ENCLOSURE ATTACHED
67 APR 10 1959

Mr. Tolson	
Mr. Belmont	
Mr. DeLoach	
Mr. McGuire	
Mr. Mohr	
Mr. Parsons	
Mr. Rosen	
Mr. Tamm	
Mr. Trotter	
Mr. Wick	
Tele. Room	
Mr. Holloman	
Miss Gandy	

REC-4

EX-101

APR 7 1959

EXP. PROC.

Continuing, the Foreword states that BERNARD WEISBERG, General Counsel for the ACLU, Illinois Division, assumed with the aid of the Editorial Committee the responsibility for the final draft of the booklet.

It notes that on the statistical material, valuable help was given by LEO HERZEL and by WILLIAM KRUSKAL and PAUL MEIER. KRUSKAL and MEIER, at page 35, are described as being from the Department of Statistics, University of Chicago.

The last paragraph of the Foreword states that the Board of Directors of the Illinois Division submits this report with its approval, "in the hope that it will help to eradicate serious infringements on individual liberty."

On the same page, the following individuals appear as members of the Editorial Committee:

EDGAR BERNHARD
KENNETH DOUTY
ALEX ELSON
STANLEY KAPLAN
I. M. LIEBERMAN
CHARLES LIEBMAN
FRANCES MARTIN
DONALD PAGE MOORE
BERNARD WEISBERG.

The back cover of this booklet states in part as follows concerning the ACLU:

"The American Civil Liberties Union is the only permanent, non-partisan organization defending the Bill of Rights for everyone--without distinction or compromise. Its activities--in the courts, in the legislatures, in the public forum--are financed entirely by membership contributions and carried on by a small staff and many volunteers. You are invited to join this exciting and meaningful effort to maintain in our country the climate of freedom and justice under law."

The same page lists the following as officers:

ROBERT A. DRAKE	Chairman
HOMER A. JACK	
CHARLES LIEBMAN	Vice-Chairmen

J. BRYAN ALLIN	Secretary
ARNOLD MAREMONT	Treasurer
BERNARD WEISBERG	General Counsel
KENNETH DOUTY	Executive Director
JOEL SPRAYREGEN	Staff Counsel

An examination of the contents of this booklet reflects that it contains the results of study by the Illinois Division of the ACLU, of Chicago Police Department records of arrests and detentions of prisoners based upon a sampling of arrest records of approximately nine court branches within the city of Chicago during the year 1956.

Further examination of the booklet reflects that comment is made concerning the Director and the FBI at page 18 of the publication in the last paragraph. This comment is as follows:

"J. Edgar Hoover, in explaining how the F. B. I. has achieved its excellent reputation for crime-detection while eschewing coercive interrogation and third-degree methods has pointed out:

'Civil rights violations are all the more regrettable because they are so unnecessary. . . . Technical crime-detection methods have greatly reduced arbitrary intrusions on civil liberties. The apprehended suspect 'won't talk!'. Third-degree methods, the ill-trained officer might think, perhaps a severe beating will force a confession. But the trained officer, schooled in the latest techniques of crime detection, will think otherwise--he will go to work, locating a latent fingerprint, a heel-print in the mud, or a tool mark on the safe.'

"Quoted in Frank and Frank, Not Guilty, p. 185 (1957)."

Additional comment concerning the Bureau appears on page 32 as item three and is as follows:

"The police should be required by law to advise all arrested persons that they are not compelled to answer any questions, that any statements which they make may be

used against them, and that they are entitled to call a lawyer and their family. Police interrogation of prisoners who do not consent to being questioned should be forbidden by court rule. This is the practice followed by the agents of the FBI and the police in England, both forces which have an excellent law enforcement record."

With regard to reactions of the Chicago Police Department and the general public to this pamphlet, the "Chicago Daily News" in its issue of March 3, 1959, at page 12, columns 2, 3, and 4, contains an article "Do Police Hold Thousands Illegally? City Aides Say No".

This article, which is written by JAY MC MULLEN, notes that the record of individual payments by the city in connection with false arrest suits does not bear out charges by the ACLU that thousands of persons are being illegally detained by the police, according to city attorneys for Chicago.

The article then refers to the ACLU, Illinois Division, pamphlet and notes that the pamphlet charges were made on the basis of a study of arrest slips for 1956. It states that many persons were and are being held secretly for as long as three days before being booked, according to the ACLU.

Continuing, the article cites the record for 1957 of the city legal staff which shows that the city paid out only \$35,016 in damages in 25 cases, including two that dated back to 1953 and 1954. The article quotes Corporation Counsels as stating that 24 of the 25 cases were settled out of court. Ten cases were actually tried in 1957 and the city won seven by jury verdict, losing three but the latter three were reversed by a higher court. A total of 51 cases were filed in 1957. Corporation Counsel is also quoted as saying that for the year 1958 the number of false arrests or illegal detentions dropped to 38. (cases)

The "Chicago Daily News" of March 4, 1959, page 20, columns 4, 5, and 6, contains an article entitled "Rips 'Evasive' Reply on False Arrests" which is a report on the answer of the ACLU to the article of the previous day reflecting the position of the Chicago Police Department and the Chicago Corporation Counsel with regard to the charges set forth in the pamphlet. The article notes that the ACLU, through its

CG 100-20620

Illinois Director, KENNETH DOUTY, accused a city attorney of "evading the issue" of whether the Chicago Police secretly and illegally detained thousands of Chicagoans each year. Mr. DOUTY is quoted as saying that the damage payments are no measure of whether police are violating civil rights. He is quoted as stating "Money damages recovered are practically meaningless as a measure of violation of the law. Most of those involved are unaware of their rights or too frightened of the police or too poor to afford a lawyer." The article concludes by again quoting DOUTY as follows: "DALEY (JAMES P. DALEY, Assistant Corporation Counsel) should talk about the issue and not try to drag a red herring across it."

Concerning the individuals mentioned as being responsible for or participating in the preparation of the above described pamphlet, Chicago indices have been searched and where identifiable information of an informative nature appears in the Chicago files, it is being set forth hereinafter concerning these individuals.

[REDACTED]
ACLU, Illinois Division

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In April, 1953, [REDACTED] who has furnished reliable information in the past, advised that at a meeting of the South Side Chapter, Civil Rights Congress (CRC) held April 24, 1953, a letter received by this Chapter from [REDACTED] was read urging that the CRC send two delegates and a large group to attend a conference to discuss the Bill of Rights being held on May 4, 1953 in Chicago.

The CRC has been designated by the Attorney General of the United States pursuant to Executive Order #10450.

EDGAR BERNHARD
Editorial Committee
ACLU, Illinois Division

The Martindale-Hubbell Law Directory, 1959, reflects that EDGAR BERNHARD, born in 1898, was admitted to the Illinois Bar in 1921. He is recommended and rated "very high" as a lawyer. He has a Ph. B. and a JD Degree from the University of Chicago. He has connections with the law firm of D'Ancona, Pflaum, Wyatt, and Riskind, 33 North LaSalle Street, Chicago, Illinois.

The Security Unit of the Chicago Police Department, an agency which collects security information in the Chicago area, advised that EDGAR BERNHARD was a speaker at an ACLU rally concerning the Broyles Bill on April 12, 1949. At this meeting, attended by approximately five hundred persons, BERNHARD, described as President of the ACLU, Chicago Division, urged that a deluge of letters be sent to the Governor in protest of the Broyles Bills which were presently under consideration in the Illinois Legislature. BERNHARD was quoted as stating, "We are not Communist or Communist front in the ACLU. We are opposed to and differ with the Broyles Bills not for what they are but for what the Broyles Committee intends to do about them. BROYLES (Illinois State Senator) wants to adopt a Communistic method of dictatorship. We are lined up against Nazism, Communism and Broyleism."

The same source advised that on March 15, 1951 a hearing was held before the Board of Education for the city of Chicago dealing with proposed amendments to the Board of Education rules which were aimed at Communist Party (CP) members and other subversives being employed in the Chicago public school system. One EDGAR BERNHARD reportedly spoke in opposition to these amendments.

KENNETH DOUTY
Executive Director
ACLU, Illinois Division

CG 6202-S* advised in November, 1958 that a meeting was held of CP leaders in Chicago which was attended by BEN GREEN, brother of GILBERT GREEN, former Chairman of the CP of Illinois, who is presently incarcerated for conspiracy to violate the Smith Act. The purpose of the meeting was to discuss the position of the National Office of the ACLU on the question of releasing GIL GREEN and HENRY WINSTON, the latter another imprisoned CP leader, from prison. GREEN indicated that he had correspondence with the ACLU and the reply letter of ACLU indicated that that organization thought that there was no civil liberties question involved in the incarceration of GREEN and WINSTON. At the same meeting discussion was held concerning a fund raising dinner held in October, 1958 in connection with the movement to free GREEN and WINSTON. The comment was made that one of the Illinois officers of ACLU, HOMER JACK (Vice-Chairman) had initially agreed to be a sponsor for this dinner but had withdrawn.

The individuals attending this meeting then discussed KENNETH DOUTY, Executive Director of ACLU, Illinois Division, and GREEN made the comment that DOUTY was a "real

humdinger of an individual--he straddles whatever side of the fence we want on this thing." Continuing in discussing DOUTY, BEN GREEN related that during the past year he had talked to DOUTY who told him, GREEN, that nothing could be done until the courts made a decision in the GREEN case.

Continuing, GREEN, at the same meeting, made reference to the fact that the ACLU had published a letter from him in its Newsletter publication calling for parole of GREEN's brother, GILBERT GREEN.

[REDACTED]
ACLU, Illinois Division

An anonymous source in December, 1949 advised that a [REDACTED] Illinois, was a member of the National Lawyers Guild (NLG) Legislative Committee and that a [REDACTED] was carried as an active member of the NLG in Chicago.

The NLG has been cited by the House Committee on Un-American Activities as a legal arm of the CP.

Agents of the Springfield Office who attended a legislative hearing on the Broyles Bills on March 7, 1951 at Springfield, Illinois reported that Mr. [REDACTED] representing the ACLU, stated that his organization opposed the Broyles Bill but was not a Communist organization. In fact, he stated, that the ACLU opposed Communism. [REDACTED] also stated that he was not a member of the NLG, and that he would bear arms for the United States in the event of war against Russia.

ALEX ELSON
Editorial Committee
ACLU, Illinois Division

The Martindale-Hubbell Law Directory, 1959, lists an ALEX ELSON born 1905 and admitted to the Illinois Bar in 1928. He is recommended and rated "very high" as a lawyer. He was educated at the University of Chicago where he received Ph. B and JD Degrees. He is a member of the American Bar Association and is associated with [REDACTED] Chicago, in the general civil and trial practice field. His firm also specializes in Federal Administration law and Federal arbitration.

A letter from the Director dated October 17, 1955 entitled "NATIONAL LAWYERS GUILD, INTERNAL SECURITY - C, INTERNAL SECURITY ACT OF 1950", forwarded a chart to the Chicago Division which had been obtained by the Bureau from a source who had furnished reliable information in the past, who in turn had received the chart from a third party, reliability not stated. This chart reflects that one ALEX ELSON was a member of the Executive Board, Chicago NLG in 1938, 1940-1943, and 1945. He was Vice President in 1939. In 1946 and 1947 he was an ex officio member of the Executive Board by virtue of his having been an officer, past President of and a member of the National Executive Board.

The remarks column of this chart contained the following additional information concerning ELSON: Chicago Bar Association Committee on Candidates, 1942-1955, and Chicago Bar Association Committee on Public Information, 1947-1951 attorney for the Office of Price Administration. He is further identified as having belonged to "many fronts."

Free Press, The
Glencoe, Illinois

In 1955 the Chief of Police of Winnetka, Illinois, advised that his library reflected that [redacted] of the Free Press, Glencoe, Illinois was [redacted] and that orders for the Free Press are placed through the address [redacted] Chicago, Illinois.

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In 1955 the Chief of Police of Glencoe, Illinois advised substantially the same information and stated that the Free Press does not have an office in Glencoe, Illinois but actually conducts business from 1005 West Belmont, Chicago, Illinois; however, it does have a mail box at the Glencoe, Illinois Post Office.

The current Illinois Bell Telephone directory lists a new organization called The Free Press at Glencoe, Illinois. The information operator advised that the only listing for The Free Press at the present time is 119 West Lake Street, Chicago, Illinois, telephone STate 2-0785. It was determined that this current listing is identical with the Free Press of Glencoe, Illinois.

CG 100-20620

[REDACTED]
Statistician in Connection
with Project

The Martindale-Hubbell Law Directory, 1959, reflects a [REDACTED] born 1923, admitted to the Illinois Bar in 1952. He attended the State University of Iowa, receiving an AB Degree and the University of Chicago Law School where he received a JD Degree. He is associated with the law firm of [REDACTED] b6 b7C

[REDACTED] Chicago, which firm has a general practice in state and federal courts.

HOMER A. JACK
Vice President
ACLU, Illinois Division

Chicago files reflect that HOMER A. JACK is a Unitarian Minister whose church is in Evanston, Illinois. JACK is identified as a pacifist and has been involved in numerous activities involving the peace movement, the banning of the A and H Bombs, etc. In connection with his activities he has had many associations with and participated in many Communist front activities. Most recently, he has been active in the Committee for a Sane Nuclear Policy.

(See reference to JACK from CG 6202-S* under caption KENNETH DOUITY)

STANLEY KAPLAN
Editorial Committee
ACLU, Illinois Division

The Martindale-Hubbell Law Directory, 1959, lists a STANLEY A. KAPLAN, born 1910, admitted to the Illinois Bar in 1933. He is recommended and rated "very high" as a lawyer. He attended the University of Chicago where he received a Ph. B Degree. He obtained an LLM Degree from Columbia University, New York, New York. He is connected with the firm of Gottlieb and Schwartz, 231 South La Salle Street, Chicago, Illinois.

The letter from the Director dated October 17, 1955, previously referred to, lists a STANLEY A. KAPLAN as a member of the NLG, Chicago Executive Board, from 1938-1942. Under the remarks column of this chart appears the notation that KAPLAN was "identified with the Communist Party". No other explanation of the latter statement appeared in this chart.

[REDACTED]
Editorial Committee
ACLU, Illinois Division

The Security Unit of the Chicago Police Department, previously mentioned, reported on May 16, 1952 that an automobile registered to one [REDACTED]

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[REDACTED] Chicago, was observed parked in the vicinity of the Peoples Auditorium, 2457 West Chicago Avenue, Chicago, on May 3, 1952 during a May Day Rally.

CHARLES LIEBMAN
Vice Chairman, Co-Chairman of the
Police and Criminal Law Committee,
Editorial Committee,
ACEU, Illinois Division

The Martindale-Hubbell Law Directory, 1959, lists one CHARLES LIEBMAN as born in 1908, admitted to the Illinois Bar in 1930. He received a Ph. D and JD Degree from the University of Chicago and has offices at 105 West Adams Street, Chicago, Illinois.

In December, 1949, an anonymous source reported that one "CHARLES LIEBMAN, 29 South La Salle, Chicago", was an active member of the NLG.

Bulet to Chicago dated April 14, 1953 entitled "CIVIL RIGHTS VIOLATIONS, CHICAGO, ILLINOIS AREA", reports that on March 20, 1953 CHARLES LIEBMAN, Attorney at Law, Chicago, contacted the Bureau and was interviewed by a Bureau official. A summary of his statements was furnished by the Bureau and indicates that in recent years LIEBMAN said he had become increasingly concerned about police brutality in Chicago and feels that the Chicago Police Department is corrupt and not only tolerates but actually encourages brutality. He continued that the Bureau had done a worthwhile job in enforcing the federal civil rights statutes but that the real job has to be done on a local basis. He indicated that as a result of this he had instituted a program in Chicago of filing suits for civil damages against individual officers whenever he had evidence of brutality.

He added that he is convinced that proving a case of police brutality is almost impossible since most of the acts of brutality usually occur at the time of arrest or immediately after the individual has been taken to the police station. He added that the way to prevent such acts is to stress the problem of illegal detention and to have the police account for the time the individual is in custody.

He said that he never charges a fee for the filing of suits in brutality cases and is attempting to get other lawyers to take an active interest in brutality cases.

Continuing, LIEBMAN said that he now plans to circularize certain areas in Chicago for educational purposes asking that individuals whose civil rights have been violated report the facts to the FBI. LIEBMAN stated that he has represented Communists and had in fact been the attorney for the CPL. He said he had done this deliberately to satisfy his personal curiosity and to insure that their civil rights were protected.

During the interview, Mr. LIEBMAN turned over to the Bureau several posters relating to civil rights incidents in the Chicago area.

ARNOLD MAREMONT, Treasurer
ACLU, Illinois Division

Mr. MAREMONT is a Chicago industrialist who has been active in civic affairs of all types for many years. He has been intimately involved in various Jewish relief projects and appeals for many years and is also a frequent supporter of various civil liberty endeavors in the Chicago area. MAREMONT has been frequently interviewed by agents of this office over a period of years.

The application of ARNOLD HAROLD MAREMONT for admission to the Illinois Bar which appears in the records of the Chicago Bar Association dated January 8, 1927, reveals that he was born in Chicago, Illinois in 1905, attended the University of Michigan 1920-1922 and the University of Chicago from 1922-1926 where he received Ph. B and JD Degrees. His father, MEYER D. MAREMONT, who was born in Russia, at the time of the application was listed as President of the Maremont Manufacturing Company, makers of automobile springs and motor truck bodies.

The "Chicago Sun Times", a Chicago daily newspaper of November 24, 1957, contained an article concerning the present nuclear dangers which confront the world and sets forth the position of the Committee for a Sane Nuclear Policy. Among the fourteen signers of the proposal by the Committee for a Sane Nuclear Policy was one ARNOLD MAREMONT.

CG 100-20620

PAUL MEIER

Department of Statistics

University of Chicago

Statistician in Connection with Project

A letter from Headquarters, Sixth Service Command, dated September 7, 1942, states that one PAUL MEIER, 714 Cornelia Avenue, Chicago, Illinois, was corresponding with a prisoner of war interned in Canada.

A similar letter dated May 10, 1945 stated that a Mr. PAUL MEIER, 1445 Sherwood, Chicago, Illinois, had corresponded with a prisoner of war. This information was furnished by the Second Service Command of the Army during March, 1945.

[REDACTED] Editorial Committee
ACLU, Illinois Division

The Martindale-Hubbell Law Directory, 1959, lists a [REDACTED] as born 1929, admitted to the Illinois Bar in 1956, and educated at Marshall College, Huntington, West Virginia and received his LLB Degree from the University of Illinois. He is listed as with the ACLU.

The Security Unit, Chicago Police Department, on March 11, 1958 furnished a report concerning a forum sponsored by the ACLU, Illinois Division, on March 8, 1958. It was reported that [REDACTED] ACLU [REDACTED] was present at this affair which dealt with police interrogation of arrested persons. This meeting was most critical of the Chicago Police Department. During the forum [REDACTED] stated that there were then pending before court 135 suits for false arrests in Chicago. b6 b7C b7D

[REDACTED]
[REDACTED] for Pamphlet

[REDACTED] exposed CP informant of the Washington Field Office, in 1946 furnished a membership card for [REDACTED] of Washington, D. C. reflecting that he was accepted as a member of the student group of the CP in Washington, D. C. on November 27, 1946.

Chicago files reflect that this same individual currently resides at [REDACTED] Chicago, Illinois and is employed as [REDACTED] Chicago, Illinois. He is extremely active in the Chicago Council of American Soviet Friendship. From the information available it is not possible to state that this individual is identical with the [REDACTED] the pamphlet in question.

[redacted]
ACLU, Illinois Division

[redacted] application for admission to the Illinois Bar on file at the Chicago Bar Association dated [redacted] reflects he was born [redacted] at Jersey City, New Jersey. [redacted] was born in Pinsk, Russia. [redacted] attended the Medill School of Journalism, Northwestern University, Evanston, Illinois receiving his BS Degree in June, 1955. He graduated from Yale Law School in June, 1958. His residence is listed as [redacted] Illinois, and his employment was given as [redacted] with the ACLU, 19 South LaSalle Street, Chicago, Illinois.

[redacted]
ACLU, Illinois Division

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b7C

The Martindale-Hubbell Law Directory, 1959, lists a [redacted] born 1925 and admitted to the Illinois Bar in 1952. He attended the University of Chicago where he received AB and JD Degrees. He is connected with the law firm of [redacted] Chicago, Illinois.

A report received from the Security Unit, Chicago Police Department on March 11, 1958 concerning a forum sponsored by the Illinois Division, ACLU, on March 8, 1958 previously mentioned, identified [redacted] as one of the main speakers on the question of Chicago Police Department brutality. At this meeting, [redacted] also advocated a layman as Commissioner of Police in Chicago.

A postcard received by this office from [redacted] [redacted] Dated October 10, 1958, stated that [redacted] of the ACLU, followed the "straight CP line". He also stated, according to this source, that JOHN MC CLELLAN of the Senate Rackets Committee is another JOE MC CARTHY. There is nothing to indicate reliability of this complainant.

Based upon the available information concerning other individuals mentioned in this pamphlet who have not been set out specifically above, there is insufficient information in files to identify them. These individuals are as follows:

CG 100-20620

Statistician
Statistician
Statistician b6
Statistician b7C
Statistician
Statistician
Editorial Committee

[redacted]
[redacted] Committee,
ACLU, Illinois Division
Statistician
Statistician

The above described pamphlet was furnished to the
SAC, Chicago by mail by the ACLU on March 2, 1959.

\$1.00

SECRET DETENTION

by the

CHICAGO POLICE

A REPORT BY THE *American Civil Liberties Union*,
ILLINOIS DIVISION

THE FREE PRESS GLENCOE ILLINOIS

FOREWORD

THIS STUDY was initiated by the Police and Criminal Law Committee of the Illinois Division, American Civil Liberties Union, under the co-chairmanship of Charles Liebman and Mrs. John Bartlow Martin.

The formation and direction of the project was undertaken by Donald Page Moore, staff counsel for the Division, 1956 to 1958. He was also responsible for the basic writing and organization of the Report. In the collection and tabulation of the statistical material he was assisted by Karen Hillman, Kenton Smith, Morris Gordon, Sylvia Callistein, Michael Kirk, Patricia Van Metre, Anne Davis, Anne Heisler, and Patricia Aldrich.

Bernard Weisberg, the Division's General Counsel, assumed, with the aid of the Editorial Committee below, responsibility for the final draft. On the statistical material, valuable help was given by Leo Herzel and by William Kruskal and Paul Meier. The statement by Drs. Kruskal and Meier is reproduced in full as Appendix A.

Special acknowledgment is due to Charles Liebman whose interest over the years in police and criminal law problems has been a stimulus to ACLU work in this field.

The Board of Directors of the Illinois Division now submits this report with its approval, in the hope that it will help to eradicate serious infringements on individual liberty.

Chicago, Illinois
January 1959

EDITORIAL COMMITTEE

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DESIGNED BY SIDNEY SOLOMON

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INTRODUCTION

THIS IS A REPORT on the Chicago police practice of holding arrested persons secretly for long periods of time without bringing them promptly before a magistrate, as the law requires. It is the first systematic study ever made of the frequency of lengthy secret detentions by a municipal police force. It is based upon actual cases in the files of the Municipal Court of Chicago. It demonstrates, beyond any question, that each year thousands of persons are held illegally by the Chicago police.

This problem is invisible to the great majority of law abiding citizens who rarely have any direct contact with the police. The poor, and racial and ethnic minorities—these are the people who suffer most from police lawlessness. But police violation of personal liberty can happen to anyone—and has.

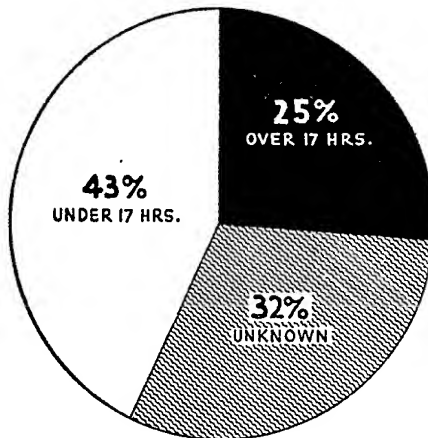
In November, 1953, it happened to Circuit Court Judge John T. Dempsey. Jack Mabley of the Chicago Daily News aptly described the incident in a recent column: "A few years ago a little girl claimed that a man with a dog molested her in a West Side park. One of our distinguished citizens, Judge John T. Dempsey, happened to be walking his dog in a West Side park. Two policemen arrested him, and he was pushed, knocked down, and taken to an abandoned police station. After an hour he was released. He wondered what would have happened to him if he were not a judge." *Daily News*, May 20, 1958. Judge John Gutknecht has stated that "what happened to Judge Dempsey could happen to anyone." *Sun-Times*, November 21, 1953.

It does happen to many thousands of people in Chicago each year who are held in police stations for extended periods of time without being charged with any crime, without bail and without communication with the world outside. A projection of the cases sampled in the ACLU study indicates that in 1956 approximately 20,000 defendants were held incommunicado for at least 17 hours in cases eventually brought before the nine branches of the Municipal Court studied. Almost 2000 of these defendants were

held for 48 hours or more. And these figures do not include any detentions in the other branches of the Municipal Court which handle criminal cases.

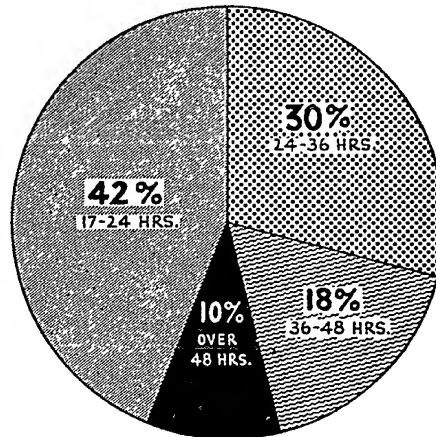
The results of the ACLU study are summarized in the accompanying charts.

Chart 1
Interval between Arrest and Booking
as Shown by Police Arrest Slips in
Cases Brought to 9 Branches of
the Municipal Court of Chicago
During the Year 1956



The 32% unknown category represents cases in which police failed to complete arrest slips.

Chart 2
Breakdown of Pre-Booking Detentions
of More than 17 Hours in Cases
Brought to 9 Branches of the
Municipal Court of Chicago
During the Year 1956



The law requires that the police bring arrested persons promptly to court. This protects the personal liberty of every one of us. Its strict observance is needed to prevent arbitrary arrests and the abuses which inevitably accompany the practice of holding prisoners incommunicado. When a prisoner is brought to court promptly after his arrest, a hearing can then be conducted in which the evidence against him is impartially weighed to see if it is sufficient to justify his being held. A judicial officer can decide whether a crime has been committed and whether there is enough evidence to require holding the prisoner for trial or grand jury action.

When the prisoner is brought to court he can have bail set, he has the opportunity to be advised by his lawyer and he is able to let his family know where he is. Every prisoner not brought promptly to court, but instead held incommunicado, is denied these rights which are guaranteed by law. He may also be exposed to physical or psychological mistreatment designed to induce a confession or to punish him without a trial.

Widespread secret detention has existed for many years in Chicago. The American Civil Liberties Union has tried to attack this practice in several ways:

1. It has pressed for legislation which would remove any possible doubts about the duty of the police to take all arrested persons "forthwith" before a magistrate.

2. It has pointed to the mounting number of cases in which substantial money damages have been recovered in civil actions against police officers for false arrest and assault—damages which in most cases have been paid from the city treasury. Such suits are one of the most effective sanctions available to the victims of police lawlessness, and for this reason serve an important public interest.

3. It has issued public statements from time to time about individual cases in which prisoners have been held for long periods of time without being brought to court.

4. It has called attention to the decisions of our courts holding that the police have no right to arrest suspects for the purpose of questioning them in a police station.

5. It has called for more vigorous disciplinary action by the Police Department and the Civil Service Commission against officers found guilty of violating the rights of prisoners.

Despite ACLU's campaign, illegal detention continues to be a regular Chicago police practice. The reaction of police officials has been either silence or a refusal to acknowledge that any real problem exists. Efforts to stimulate public discussion have been handicapped because the general public has little understanding of the processes of the criminal law. Further, the public and indeed many public officials have not had the facts. Although the practice of secret detention is common knowledge to lawyers and

other persons who have day to day experience with law enforcement in Chicago, it has not been possible to point to data which show the actual frequency of prolonged detention of prisoners by the police.

This report attempts to meet these obstacles to rational public discussion. Part I of this report explains the law and practice of arrest and secret detention. This section describes the laws which are violated by this practice and the evils which it produces. A detailed description of the American Civil Liberties Union study is contained in Part II. The concluding section sets forth a series of recommendations for needed reforms.

I

PRELIMINARY CRIMINAL PROCEDURE:

The Law and Practice of Arrest, Detention, and Preliminary Hearing

The history of liberty has largely been the history of observance of procedural safeguards.

THE SUPREME COURT OF THE UNITED STATES, PER MR. JUSTICE FRANKFURTER, IN *McNabb v. United States*, 318 U.S. 332, 347 (1943)

The argument was made . . . that this method of arresting, holding, and questioning people on mere suspicion was in accordance with "the usual police procedure of questioning a suspect." . . . However usual this practice, it is in violation of law. . . .

THE SUPREME COURT OF THE UNITED STATES, PER MR. JUSTICE BLACK, IN *Upshaw v. United States*, 335 U.S. 410, 414 (1948)

THE LAW OF ARREST

THE ILLINOIS CODE OF CRIMINAL PROCEDURE requires that every person arrested without a warrant "shall, *without unnecessary delay*, be taken before the nearest magistrate in the county" Illinois Revised Statutes, Ch. 38, §660.

Under Section 50 of the Municipal Court Act, persons arrested in Chicago "shall have the right to be brought *immediately* before

the Municipal Court . . . to be dealt with . . . according to law." Illinois Revised Statutes, Ch. 37, §406.

When an arrested person is brought to court, it is possible to hold a preliminary hearing in which a judicial tribunal can hear the available evidence and decide whether a crime has been committed and whether there is some probability that he is the guilty party. Unless the court finds both of these things to be true, the prisoner must be set free. On the other hand, if the court finds such "probable cause," in misdemeanor cases a trial date is set, while in felony cases the prisoner is bound over to the grand jury which decides whether he is to be indicted and stand trial. When he is brought to court for a hearing, the prisoner has several other important rights. He is entitled to an opportunity to make reasonable bail. He can consult a lawyer so that he may understand his rights and intelligently decide how to defend any criminal charge which is placed against him. And he has an opportunity to contact family or friends.

The statutes which require that all arrested persons be promptly brought to court are designed to insure the observance of all of these fundamental rights. In addition, these laws are a needed bulwark against two persistent abuses of police power: illegal arrests based on suspicion, and the use of "third degree" methods in questioning prisoners.

ARRESTS ON SUSPICION

A policeman has the right to make an arrest only when a crime has been committed and the officer has some reasonable ground for believing that the arrested person committed it. In common sense terms, this means that an arrest cannot be made without some evidence. "Suspicion" is not a crime known to our law and arrests which are based only on suspicion are themselves violations of the law. It follows, as our courts have said time and again, that the police have no right to detain a person suspected

of crime for the purpose of questioning him in a police station.

But the police, in effect, insist that they cannot function without the opportunity to question suspects while under arrest and in seclusion. Almost daily the Chicago newspapers report police investigations in which suspects are taken into custody for questioning. Frequently the fictitious charge of disorderly conduct is given as a pretext when these prisoners are eventually brought to court. LeRoy McHugh, veteran police reporter, wrote in the Chicago American on August 29, 1957:

"In my two score years as a police reporter I have covered many murder investigations. I have seen police officials drag in dozens of persons a day for intensive questioning—just for the record and without any real belief it would aid solution of the case."

The main reason for questioning a suspect in a police station is the coercive influence of arrest and incommunicado detention. The police can question anyone at any time without placing him under arrest. But he may refuse to speak and cannot be forced to answer questions. A man who is restrained and held in isolation from the outside world is more likely to answer questions. This is borne out by the widespread practice of the Chicago police of refusing to allow an arrested person to call a lawyer before he is questioned. It is said that the lawyer will advise him of his right not to answer questions and the police will then find it more difficult to gather the evidence they need to solve crime.

But arrests based on suspicion for the purpose of interrogation are made in flat disregard of the law. The requirement that prisoners be brought to court promptly after they are arrested is intended to prevent just such police misconduct.

As the Illinois Supreme Court has said:

Our statutes are intended to insure that persons who are arrested shall not be detained without reasonable cause, and to afford them an opportunity to be released upon bail. The fact that there is as yet insufficient evidence to justify preferring charges against a criminal suspect is not an excuse for detention, but is precisely the evil which the statute is aimed at correcting. *Fulford v. O'Connor*, 3 Ill. 2d 490, 500 (1954).

THE THIRD DEGREE

Since 1874, Illinois Law has provided:

If two or more persons . . . shall imprison another . . . for the purpose of obtaining a confession . . . (they) shall be imprisoned in the penitentiary not less than one year . . . Illinois Revised Statutes, Ch. 38, §379.

Under this statute, *the police themselves commit a crime every time they arrest a suspect and try to obtain a confession by questioning him in a police station.*

The Illinois Supreme Court has stated the proposition in terms too clear for misunderstanding.

It is not the right of policemen anywhere in this state to arrest men supposed to be guilty of or charged with crime, and confine them in a police station or other such place and deprive them of the lawful right of bail and the right of counsel, and of a speedy hearing before a legal tribunal authorized to give such hearing . . . for the unlawful and criminal purpose of extorting a confession, or of obtaining a confession by any means in such stations . . . *People v. Frugoli*, 334 Ill. 324, 333 (1929).

Arresting suspects and questioning them in the hope of obtaining confessions seems an easy way to solve crimes. However, the appeal is a dangerous one. The quest for confessions from suspects who are held incommunicado inevitably produces three related evils:

1. Police brutality,
2. The conviction of innocent persons, and
3. The deterioration of police efficiency.

Each of these evils is traceable to systematic flouting of the law which requires the prompt production of criminals in court. Incommunicado detention is the condition under which coercive interrogation flourishes.

Since police brutality takes place behind closed doors, the charges frequently made by prisoners that they have been beaten are almost impossible to prove. The police are usually the only witnesses to a beating, and they invariably deny such charges.

Nevertheless, there is ample evidence that the practice of Third Degree methods continues, almost always the fruit of lengthy secret detentions.

The courts have unanimously and vigorously condemned the mistreatment and abuse of prisoners by police officers. As Justice Douglas of the United States Supreme Court has said:

What happens behind doors that are opened and closed at the sole discretion of the police is a black chapter in the history of every country—the free as well as the despotic, the modern as well as the ancient . . . *United States v. Carignan*, 342 U.S. 36, 46 (1951) (concurring opinion).

In 1929, President Hoover appointed a group of distinguished lawyers, headed by Cornelius Wickersham, to survey law enforcement in the United States. The volume of its report which deals with police lawlessness still shocks the reader with its descriptions of Third Degree methods found to be in common use by the police departments of major American cities. The Wickersham report thus described the methods then employed in Chicago:

"The methods . . . in Chicago include the application of rubber hose to the back or the pit of the stomach, kicks in the shins, beating the shins with a club, blows struck with a telephone book on the side of the victim's head. The Chicago telephone book is a heavy one and a swinging blow with it may stun a man without leaving a mark." VI, Report, Lawlessness in Law Enforcement, National Commission on Law Observance and Enforcement, n. 8, p. 126.

Lawyers with experience in the criminal courts know the techniques most often employed. A blow to the abdomen rarely leaves a bruise. Almost everyone can recall the feeling of helplessness and momentary panic caused by a blow to the solar plexus which "knocks the wind out" of a person. Yet such a blow almost never leaves a mark or bruise. A hard slap—or a number of such blows—will momentarily redden the victim's face, but leave no other mark. Negroes are particularly vulnerable to police beatings because their skin color tends to obscure bruises. A prisoner can be stunned by striking his head (not his face) with a fist, a telephone book, or even a blackjack, without more than a superficial swelling which disappears in one or two days.

One tactic for making a prisoner talk has been alleged with alarming frequency, time and again for over twenty years. It has been repeatedly charged, and on one occasion it apparently was proved, that the police have shackled a prisoner's hands behind him, looped a rope through the handcuffs and over a door top, and hoisted the victim until his feet dangled, his toes barely touching the floor. There is no point in detailing the results of such treatment on the victim's willingness to give a statement. But it does not leave marks, so long as the victim's wrists are bandaged in advance. Charges of the use of this technique were made as early as 1936. *People v. Reck*, 7 Ill. 2d 261 (1955) (testimony of Emil Reck, Transcript of Record pp. 80-84, 111, 113, 114; testimony of Michael Livingston, Tr. Rec. pp. 772-777). They were made in 1946 by Hector Verburgh, the janitor who was the famous "wrong man" in the Suzanne Degnan murder case. Verburgh was held incommunicado for three days by the police. He was strung up by his hands in the manner described above. His attorney finally secured his release from detention on a writ of habeas corpus. Shortly thereafter it was discovered that Verburgh had no connection with the Degnan, or any other, crime. Verburgh sued the responsible police officers and the case was settled for \$20,000. (Chicago Tribune, Feb. 21, 1948.) From time to time, charges of similar torture are published in the local press. But when the complainants are not involved in sensational murder investigations or are persons of no wealth and little community standing, they receive little attention. See, for example Chicago Daily News, August 21, 1951, "Captain Doubts Cops Tortured 2 Suspects."

Confessions may be coerced during the course of secret detentions, not only by physical brutality, but also by psychological pressure. As the courts have pointed out, the psychological coercion of intensive questioning by relays of police officers for long periods of time is often enough to extort an involuntary confession, without a hand having been laid on the prisoner. As the late Judge Jerome Frank put it:

Policemen have discovered that they need neither intricate devices nor violence. The easiest way to persuade a man to confess to

whatever you want is to deprive him of sleep beyond the point of normal exhaustion, questioning him endlessly. Frank & Frank, *Not Guilty* (New York, 1957) p. 181.

Judges have correctly understood that the heart of the problem of prisoner mistreatment lies in the practice of secret detention.

The procedure breeds coerced confessions. It is the root of the evil. It is the procedure without which the inquisition could not flourish in the country. *Watts v. Indiana*, 338 U.S. 49, 57 (1949) (Douglas, J., concurring).

Laws requiring the prompt production of prisoners in court, the United States Supreme Court tells us, are intended to outlaw those

easy but self-defeating ways in which brutality is substituted for brains as an instrument of crime detection. *McNabb v. United States*, 318 U.S. 332, 344 (1943).

POLICE BRUTALITY AND THE CONVICTION OF THE INNOCENT: THE CASE OF LESLIE WAKAT

In the late afternoon of September 21, 1946, Leslie George Wakat was arrested by Chicago police officers "for investigation." On September 23, a relative learned his whereabouts and his wife contacted an attorney who at once filed a petition for habeas corpus on behalf of Wakat. On September 24, Judge Harold G. Ward ruled that Wakat's detention was illegal and ordered his release.

Four hours after Judge Ward's decision, the Chicago police rearrested Wakat "for investigation."

For the next three days, the police held Wakat at the Town Hall Police Station. Soon after his re-arrest, his lawyer attempted to confer with him. He went to the police station, saw that Wakat was in one of the offices there and started toward him. "When I tried to step into the room," Wakat's attorney said, "an officer jumped up and said, 'who the hell are you?' He told me to go into the outer hall and then closed the door. A lieutenant then came out and I told him I represented Mr. Wakat and should be

in there while he was being interrogated. He told me I couldn't go in." Testimony of H. Howard Jones, in *People v. Wakat*, Illinois Supreme Court Gen. No. 32829, Abstract of Record, p. 8.

Throughout the period covered by Wakat's two detentions, he was not charged with any crime; he was held without bail, without criminal charge, and without communication with the world outside.

By the morning of September 27, six days after the original arrest, the five detectives assigned to interrogate Wakat had what they wanted: a signed confession of burglary. Then, and only then, did the police take Wakat to court and charge him with a crime. Basing their case on the confession, the police obtained a conviction. Wakat was sent to prison to serve a 10-20 year sentence.

Seven years later, the Illinois Supreme Court ordered Wakat's release.¹ He had at last managed to prove that his confession had been extorted from him by a series of violent beatings administered by police during his secret detention of September 21-27.

On May 31, 1957, a jury in the Federal court of Judge Walter J. LaBuy awarded Wakat \$15,000 for the violation of his constitutional rights.² On March 4, 1958, in an opinion written by Judge Elmer J. Schnackenberg, a unanimous three judge panel of the United States Court of Appeals affirmed the judgment below,³ holding that the police had deprived Wakat of due process of law and the equal protection of the laws guaranteed by the Fourteenth Amendment.

Leslie Wakat's success in proving that police brutality had forced his confession was due to proof of certain key circumstances. Among them was the fact that at the conclusion of his secret "interrogation," Wakat was suffering from broken bones in his right hand, multiple bruises on his chest, arms, buttocks, shins and shoulders, and from injuries to his left leg and knee so serious as to require eight months treatment. The police account of the

1. *People v. Wakat*, 415 Ill. 610, 114 N.E. 2d 706 (1953). The opinion of Mr. Justice Schaefer contains a revealing summary of the evidence which led the trial court to conclude that much of the police testimony was false.

2. *Wakat v. Harlib*, et al, U.S. Dist. Ct., N.D. Ill., E. Div., Dkt. No. 56 C 36 (1957).

3. *Wakat v. Harlib*, 253 F. 2d 59 (7th Cir. 1958).

manner in which Wakat had sustained his injuries ("He grabbed for my revolver and we both tangled and fell down the stairs about 25 or 30 feet"⁴) was demonstrated to be false. According to expert medical testimony, certain of his injuries could not possibly have occurred in the manner claimed by the police.⁵

The Wakat case illustrates the inadequacy of existing legal sanctions against secret detention and police brutality. The laws requiring production of prisoners in court promptly after arrest and the law forbidding imprisonment for the purpose of obtaining a confession were simply ignored and the offenders were not prosecuted. Although a total of 12 Federal court jurors and 12 judges in State and Federal courts found or approved findings that Sgt. Peter Harlib beat Wakat in order to secure a confession and Judge Graber of the Criminal Court of Cook County found that Harlib had lied about material matters in the Wakat case,⁶ no disciplinary action has ever been taken against Harlib by his superiors. This is in spite of repeated unanswered communications on the subject from ACLU to Police Commissioner O'Connor.

Wakat's was the rare case in which a prisoner convicted on the basis of a coerced confession was able to prove what happened, obtain a new trial and recover damages in a civil action. But no one can contend that these remedies were adequate to accomplish the purpose of the law, which is to prevent such misconduct, not to put a price on it.

COERCIVE INTERROGATION AND POLICE EFFICIENCY

Police brutality and the conviction of innocent persons are inevitable when police come to rely on coercive interrogation as a major tool in criminal investigation. What is frequently over-

4. Testimony of Sgt. Peter Harlib, in *People v. Wakat*, Illinois Supreme Court Gen. No. 32829, Abstract of Record, P. 20 (1953).

5. Testimony of Dr. Alfred Lipsey, in *Wakat v. Harlib*, et al., U.S. Court of Appeals, Gen. No. 12151, Appellants' Appendix, p. 29, Record, pp. 443-48 (7th Cir. 1958).

6. Statement of Judge Graber, *People v. Wakat*, *op. cit.*, n. 4, Abstract p. 30, Record, p. 308.

looked is that when the police concentrate on obtaining confessions they tend to slight other investigative methods which, in the long run, produce more reliable evidence.

As Professor Glueck of Harvard Law School has pointed out ". . . such methods, aside from their brutality, tend in the long run to defeat their own purpose; they encourage inefficiency on the part of the police." Glueck, *Crime and Justice*, p. 76 (1936).

Sir James Stephens, the authoritative historian of English criminal law, made the same point more picturesquely:

"During the discussions which took place on the Indian Code of Criminal Procedure in 1872 some observations were made on the reasons which occasionally lead native police officers to apply torture to prisoners. An experienced civil officer observed, 'There is a great deal of laziness in it. It is far pleasanter to sit comfortably in the shade rubbing red pepper into a poor devil's eyes than to go about in the sun hunting up evidence.' This was a new view to me, but I have no doubt of its truth."

History of Criminal Law, p. 442 (1883).

Professor Fred Inbau of Northwestern University has said that the privilege against self-incrimination serves the same purpose of encouraging more effective police investigation. In his view, this is ". . . the policy which justifies the existence of the privilege at the present time. It exists mainly in order to stimulate the police and prosecutor into a search for the most dependable evidence procurable by their own exertions; otherwise there probably would be an incentive to rely solely upon the less dependable admissions that might be obtained as a result of a compulsory interrogation." *Self-Incrimination*, pp. 6 to 7 (1950).

J. Edgar Hoover, in explaining how the F.B.I. has achieved its excellent reputation for crime-detection while eschewing coercive interrogation and third-degree methods has pointed out:

"Civil rights violations are all the more regrettable because they are so unnecessary. . . . Technical crime-detection methods have greatly reduced arbitrary intrusions on civil liberties. The apprehended suspect 'won't talk': Third-degree methods, the ill-trained officer might think, perhaps a severe beating will force a confession. But the trained officer, schooled in the latest techniques

of crime detection, will think otherwise—he will go to work, locating a latent fingerprint, a heel-print in the mud, or a tool mark on the safe.”

Quoted in Frank and Frank, *Not Guilty*, p. 185 (1957)

USURPATION OF JUDICIAL PROCESS: THE USE OF DETENTION AS PUNISHMENT

Confessions coerced by physical or psychological mistreatment and deterioration of police efficiency are not the only evil results of the police practice of secret detention. A related issue raised by this practice concerns the preservation of the integrity of the judicial process as the exclusive method by which innocence or guilt is established and punishment determined.

Where the practice of secret pre-arraignment detention has become a commonplace of police procedure, the police invariably begin to usurp the function of the courts by arrogating to themselves the right to punish individuals of whom they strongly disapprove. Without notice, hearing, testimony, argument, or any of the other incidents of a trial, they launch into the practice of arrest and confinement of prisoners “on general principles.” This has actually happened in Chicago and it is still happening.

As the Kohn Report put it:

The Police Commissioner admits that it is his policy to ignore the constitutional rights of civilians by arresting them without conforming to legal procedures. *Crime and Politics in Chicago*, I.V.I. ed. (1953) p. 108.

Police Commissioner O'Connor stated flatly to the City Council's “Big Nine” crime investigating committee that:

My policy has always been that while it may be illegal, and I have received some complaints from the civil-liberties group relative to orders to pick up criminals, simply because they are criminals, I still think they should be picked up and locked up on every occasion possible. *The Kohn Report*, p. 87.

The following colloquy took place during a 1954 *habeas corpus* hearing before Judge Richard Austin of the Criminal Court of Cook County:

OFFICER SWITZER: This man was arrested by two officers of our unit last night at seven o'clock. He's been in custody ever since, and we have nothing on him.

JUDGE AUSTIN: Why was this man arrested?

A. Well, it would probably come under the category, your honor, of a routine pickup in instances like this.

Q. What is a "routine pickup"?

A. Well, as you well know, there has always been, supposedly a list of men that they care to question to ascertain if they would have any information as to the case of these various killings . . .

* * * *

Q. Can you explain to the court why, after the interrogation ended, this man was kept in custody all night?

A. No sir, I would not be able to explain to you, your honor. All I can say is that it's been going on for years relative to the same thing.

JUDGE AUSTIN: . . . I will not tolerate these publicity pickups, where there is no evidence . . .

OFFICER SWITZER: I assure your honor that I will take your message back downtown.

People ex. rel. Guzik v. O'Connor, H.C. 37619, Rpt. of Proceedings, 2-9 (1954).

Apparently, the officer neglected to carry the word "back downtown." Three years later, in connection with a similar arrest and detention, Commissioner O'Connor stated: ". . . we will continue functioning as we have in the past." *Chicago Daily News*, May 1, 1957, p. 24.

The Chicago Police Department even went so far as to attempt to legitimize its practice by formally promulgating a regulation authorizing it. Rule 465 of the Chicago Police Department Rules and Regulations which were in effect until January 1, 1959 provided that:

In case of an arrest . . . the offender shall be brought before a judge . . . as speedily as possible, as an officer becomes a trespasser if he delays longer than the necessity of the case compels. This, however, does not apply when the offender is a well-known criminal who is held pending investigation. . . .

The U. S. Court of Appeals in Chicago recently held this rule invalid in *Wakat v. Harlib, et al.*, 253 F. 2d 59 (7th Cir. 1958). The express authorization for illegal detentions contained in former Rule 465 has apparently been dropped in the new Police Department Rules which went into effect on January 1, 1959. But in view of the history summarized above, this change in the rules does not provide an adequate basis for concluding that the department will stop the practice.

Once the police have arrogated to themselves the right to decide who is a "criminal" and may thus be locked up and punished without a trial, abuses multiply.

Even more dangerous is the fact that police who have official approval to make illegal arrests of hoodlums inevitably use the same abuse of authority to render injustice to minor offenders and innocent persons. *The Kohn Report*, p. 108.

Jack Mabley, in a column titled "How Our Cops Get the 'Truth'; Just Beat 'Em—That's All," wrote:

"Complications enter, however, when the police arrest a man, classify him as a wise guy or probably guilty, and beat him up. The complication is that he is not guilty." *Chicago Daily News*, May 20, 1958.

II

THE EXTENT OF SECRET DETENTION BY THE CHICAGO POLICE: Results of the ACLU Study

IN MAY 1957, spurred by the controversy over the 90-hour detention without charge of Edward "Bennie" Bedwell in the Grimes murder investigation, the Illinois General Assembly passed a bill intended to clarify existing law by requiring the police to produce their prisoners in court "forthwith" upon arrest. House Bill No. 215 in Senate, 70th General Assembly (1957). (The existing law requires production in court "without unnecessary delay.") This bill was vetoed by Governor Stratton after Police Commissioner O'Connor and State's Attorney Adamowski had said that the long secret detention was a rarity and that the bill would please "only the criminal element." *Chicago Daily Tribune*, May 29, 1957.

Most public discussion of the "forthwith" bill assumed that the persons victimized by long incommunicado imprisonments were a comparatively limited number of "criminals" who occasionally were held too long. Virgil W. Peterson, director of the Chicago Crime Commission, speaking with reference to court decisions and statutes outlawing secret detention said, shortly after the "forthwith" bill was vetoed, that such doctrines "give criminals more protection than law abiding citizens." In the same speech, Peterson referred to the "rights, mostly imaginary, of persons accused of crime." *Chicago Tribune*, Sept. 4, 1957. Some months later, Peterson stated, with reference to the "forthwith" bill among others, that "It is a sad commentary that proposed legislation which aids the criminal appears to be passed with ease." Peterson, *A Report on Chicago Crime in 1957*, Chicago Crime Commission (1958) 36.

Governor Stratton did concede that:

It is probably true that under the present statutes there have been some abuses. Veto message, Illinois State News, 655**57**Bi.

But some of the legislators who passed the "forthwith" bill were convinced that secret police detention was a widespread practice. During the Illinois Senate Debate, Senator Marshall Korshak stated that "During my service in the Cook County State's Attorney's office, I learned that in many cases police held prisoners for two or three days before booking them." *Chicago Daily Tribune*, May 28, 1957:

The discussion of the "forthwith" bill made it clear that an objective study of the facts was necessary.

The ACLU has completed that study; this is its report. It is the first systematic effort ever undertaken in the United States to determine on an empirical basis the frequency and length of secret detentions by a municipal police department.

The ACLU study was based upon raw data obtained from 2038 Chicago Police Department "Arrest Slips." In every case where an individual is arrested, charged with an offense and taken to court, a copy of the police department's basic prisoner record—the arrest slip—is attached to the Municipal Court file on the case. These files are public records, and constitute the official court history of the particular case, from arrest to final disposition by the Municipal Court.

Thus, official court files containing copies of the Chicago Police Department's own records constituted ACLU's source of information concerning the frequency of lengthy secret detentions by the Department.

The 2038 cases sampled by ACLU were drawn from drawers in the file vault of the Municipal Court which contain almost all the non-traffic criminal and quasi-criminal¹ case records for the year 1956. ACLU's researchers had no knowledge of the contents of any file prior to the moment of its selection; the files were "picked blind" without conscious bias. The researchers abstracted the rele-

1. Quasi-criminal offenses are those created by ordinances of the City Council, such as the disorderly conduct ordinance. Criminal offenses are defined by acts of the General Assembly.

vant data from each of the files so chosen, and these data were subsequently tabulated and checked and double-checked against the original work sheets of the samplers. A description of the sampling methods used is contained in Appendix B.

On every arrest slip the arresting officer is supposed to enter the "Time and Date Arrested" and the "Time and Date Booked." The length of detention without charge is the period between these two times. The term "booking" is crucial. "Booking" means the time when the policeman enters a formal charge against the prisoner, sets the amount of bail (in minor cases) and designates the branch of court to which he will be taken.

Ordinarily in Chicago a prisoner is held incommunicado until he is booked. His family does not know where he is; he is not allowed to call a lawyer. On occasion a prisoner's lawyer does learn he is under arrest before he is booked. But more often the prisoner is held incommunicado until he is booked. It is this period before booking—and this period only—that the ACLU study covers.

But the situation in Chicago is really much worse than the study indicates.

For booking does not fulfill the legal requirement of a prompt hearing before an impartial magistrate. Only appearance in court or release on bail can do that. Booking takes place in the police station—and after a prisoner is booked, if bail is not set or if he cannot make bail immediately, he may be held much longer before he appears in court. So this period of additional detention *after* booking should be added to the period *before* booking. This the ACLU study does not do, since figures are not available. Thus, the ACLU study significantly understates the actual length of detentions in the cases which were sampled.

The ACLU study also understates the extent of secret detentions because the police frequently fail to enter the "Time and Date Booked" on the slip, thereby rendering it impossible to ascertain the length of detention prior to booking from the court file. This was true in approximately one-third of the cases examined in the ACLU study. The Detective Bureau, which has long been notorious

as the Police Department's most flagrant violator of the rules which require prompt booking and production of prisoners in court, nearly always fails to record the time and date of booking on the copy of the arrest slip which is attached to the court file.

Sixteen branches of the Municipal Court of Chicago dispose of nearly all of the criminal cases brought before that court. ACLU's researchers concentrated upon case files recording proceedings in nine of these 16 branches. The reasons for choosing these nine branches are described in Appendix B. A total of 1686 case files from these nine branches were analyzed.

The nine court branches are listed in the charts on the following pages. In addition to the 1686 cases involving these nine branches, a total of 352 cases from eleven other branches were sampled. The data concerning these cases is reported in Appendix D.

Among the significant facts revealed by the ACLU study are the following:

50% of the police prisoners produced in Felony Court have been held without charge for 17 hours or longer, according to the ACLU sample of 334 cases. Another 30% could not be accounted for in terms of pre-booking detention because of police failure to complete the arrest slip. Only 20% of the files showed on their face that the defendant was booked within 17 hours of his arrest.

Nearly 10% of the defendants produced in Women's Court had been held for 17 hours or longer without charge. Another 29% of the 185 cases in this sample were held for unknown lengths of time.

45% of the 242 Narcotics Court cases examined involved defendants who were held 17 or more hours prior to booking. Another 42% could not be accounted for because of police failure to complete the arrest slip.

One out of every ten Felony Court defendants in the sample had been held for 48 hours or longer. One out of every 20 had been held for 60 hours or longer. One out of every 40 had been held *for at least three days*, before he was charged with an offense.

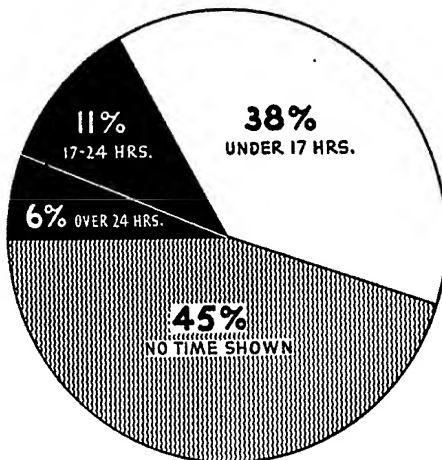
A projection of ACLU's sample of cases in Branch 44 (Felony Court) indicates that in 1956 approximately 3600 defendants in that court were held for 17 or more hours before they were booked.

Similarly, it appears that approximately 700 of these 3600 prisoners were held for two days or longer prior to booking.

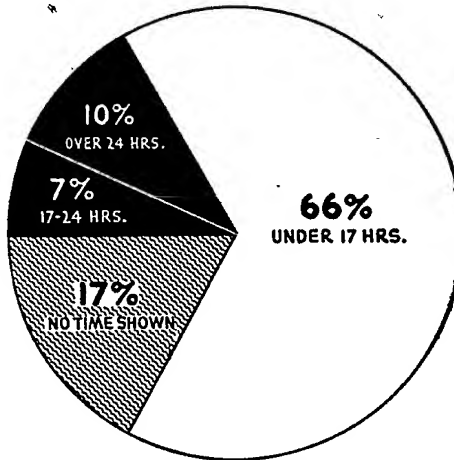
A projection of the ACLU sample indicates that in the nine branches studied approximately 20,000 defendants were held for at least 17 hours prior to booking in 1956. About 2000 of these defendants were held for two days or longer. Approximately 800 of these were held for 60 or more hours. Approximately 350 were held for at least three days without charge, without bail having been set, without any vestige of "due process of law" having been accorded them. These figures are for the nine court branches included in the ACLU Study. They do not include any estimate of detentions in the other branches of the Chicago Municipal Court which handle criminal and quasi-criminal matters.

The following charts summarize the results of the ACLU study. Complete figures are in a set of tables contained in Appendix C to this report. Appendix A consists of a technical analysis of the ACLU study prepared by Messrs. William Kruskal and Paul Meier of the University of Chicago Department of Statistics.

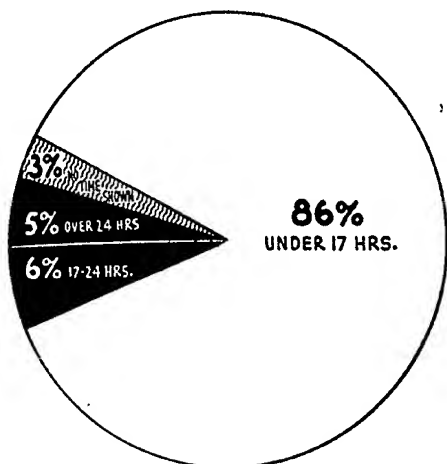
Length of Detentions between Arrest and Booking in Cases Brought to Nine Branches of the Municipal Court of Chicago during 1956



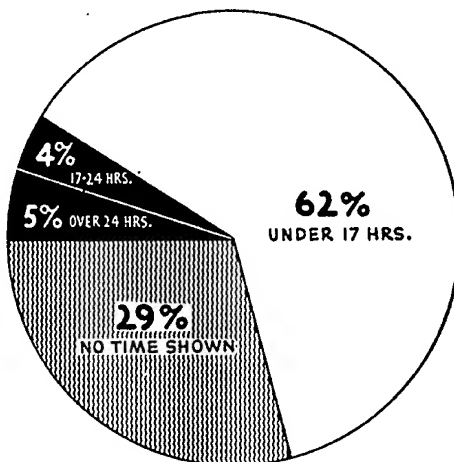
Branch 27 (Rackets)



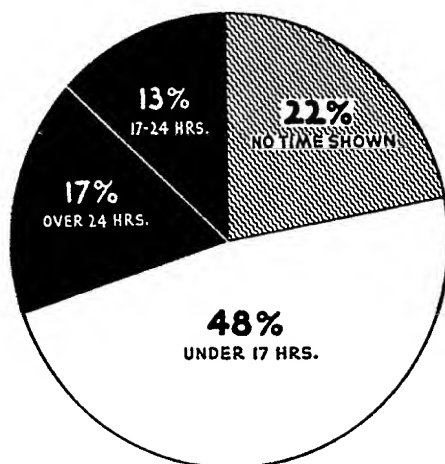
Branch 34 (Wabash Ave.)



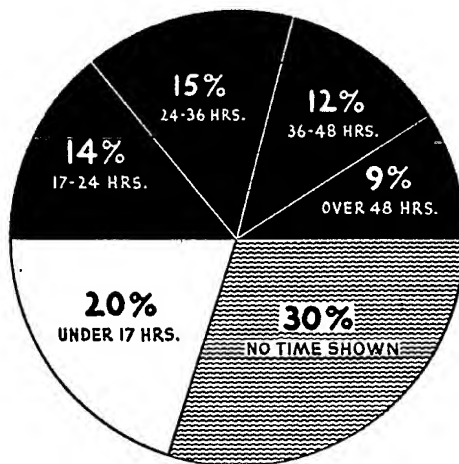
Branch 36 (Grand Crossing)



Branch 40 (Women's)

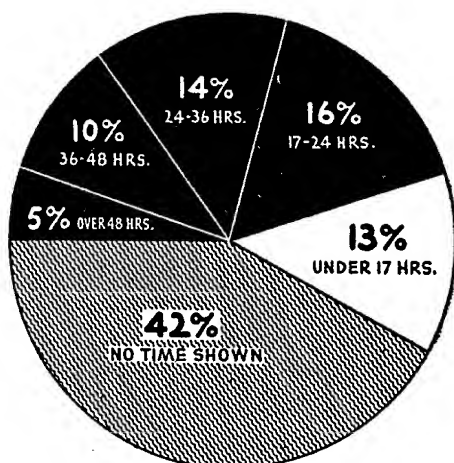


Branches 42, 42A, and 55
(Boys and Allied Branches)



Branch 44 (Felony)

SECRET DETENTION BY THE CHICAGO POLICE



Branch 57 (Narcotics)

The ACLU study proves that lengthy secret detentions are not exceptional abuses, they are a regular police practice in Chicago. This is not to say that every prisoner who is held for 17 hours or more is mistreated. Many of these detentions are due to nothing more than waiting to book a prisoner until the officer who arrested him on one day appears for his shift of duty on the following day. This type of unnecessary delay is not detention for the purpose of questioning but represents an inexcusable indifference to the law and the rights of prisoners.

The law requiring that persons be produced in court without unnecessary delay allows the police a reasonable time to get to the nearest magistrate. What is a reasonable time will depend on the circumstances. But any delay which is for the purpose of questioning the prisoner is illegal. The courts have made this clear time and again. For this reason, it is difficult to conceive of circumstances in which a detention of 17 hours or more would not be illegal.

A complete list of the relevant data in each of the 2038 cases surveyed in this study is available in the ACLU office in Chicago for examination by any interested persons. Each case is identified by its Municipal Court file number.

Exhibit I is a photostatic copy of the official arrest slip—an actual recent case.

POLICE DEPARTMENT - CITY OF CHICAGO
ARREST SLIP

SURNAMES		FULL GIVEN NAME & MIDDLE INITIAL		ARRESTED BY		DIST.	
ALIAS IN FULL				BOOKED AT		DIST.	
ADDRESS							
MALE <input checked="" type="checkbox"/> FEMALE <input type="checkbox"/>		AGE	WEIGHT	HEIGHT	MARKS, SCARS, ETC.		
23		160	6	1	NEEDLE MARKS ON ARMS		
WHITE <input type="checkbox"/> BLACK <input checked="" type="checkbox"/> COMPLEXION		SLENDER <input type="checkbox"/> RUDY <input type="checkbox"/> BUILD	MEDIUM <input checked="" type="checkbox"/> OF	BROWN <input type="checkbox"/> BLU <input type="checkbox"/> COLOR	BLACK <input checked="" type="checkbox"/> GRAY <input type="checkbox"/> COLOR	BLACK <input checked="" type="checkbox"/> GRAY <input type="checkbox"/> COLOR	BLACK <input checked="" type="checkbox"/> GRAY <input type="checkbox"/> COLOR
OTHER <input type="checkbox"/>		DARK <input checked="" type="checkbox"/>	STOUT <input type="checkbox"/> EYES	BROWN <input checked="" type="checkbox"/> GRAY <input type="checkbox"/> HAIR	RED <input type="checkbox"/> WHITE <input type="checkbox"/>	RED <input type="checkbox"/> WHITE <input type="checkbox"/>	RED <input type="checkbox"/> WHITE <input type="checkbox"/>
MARRIED <input checked="" type="checkbox"/> SINGLE <input type="checkbox"/>		NATIVITY			CITIZEN		
ASSEMBLER		DATE AND PLACE OF BIRTH			NON-CITIZEN		
HOW LONG A RESIDENT OF CHICAGO?		WHERE EMPLOYED			SOCIAL SECURITY NO.		
23 yrs		WERE PRINTS TAKEN			GROUP PHOTO NO.		
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>			YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		
ADDRESS OF ARREST							
DATE AND TIME OF ARREST		DATE AND TIME BOOKED		DATE AND TIME RELEASED ON BOND			
12-4-58 11:40 P.M.		12-6-58 6:30 P.M.		A.M. P.M.			
ARRESTING OFFICERS (FULL NAME AND STAR NO.)							
W. MARSHALL #5336 P. TILLMAN #8188							
CHARGES PREFERRED		COURT BRANCH		CHARGE CHANGED TO			
193-1-13		57		12-8-58			
INVESTIGATING OFFICERS		STATION CODE		ASSIGNED BY			
C. J. H.		1		PRISONERS PROPERTY RECEIPT NUMBER			
PERSONS WANTED? CHECK MADE BY:							
ARRESTED WITH		NAME		ADDRESS			
WHY ARRESTED (GIVE FACTS)				SUMMONS NO. AS FOLLOWS			
LOITERING & OBSCURE				1.			
				2.			
				3.			
COMPLAINANTS' NAMES, ADDRESSES AND PHONE NOS.				4.			
W. MARSHALL				5.			
P. TILLMAN				JOHNSON			

Photostat of an official Police Arrest Slip showing detention of 43 hours and 15 minutes. Crucial entries, on which ACLU study is based, are those on Line 10 for "DATE AND TIME OF ARREST" and "DATE AND TIME BOOKED." These show that the defendant was arrested at 11:15 P.M. on Dec. 4 and booked on Dec. 6 at 6:30 P.M. The slip does not show whether he was then released on bond. The charges preferred (193-1-13) refer to the loitering section of the ordinance forbidding disorderly conduct. This ordinance is often used when a person picked up "on suspicion" proves to be innocent of any crime. The case recorded on this Arrest Slip resulted in a non-suit on Dec. 8, when the defendant first appeared before a judge in Municipal Court. Entries which might identify the defendant have been blacked out.

III

CONCLUSIONS AND RECOMMENDATIONS

We are not sentimentalists; we don't believe in "coddling" men accused of crime. We stand for swift and vigorous prosecution and oppose the practices which we have pointed out not merely or even chiefly because they are unlawful, but because in the long run they do much more harm than good.

Report, COMMITTEE ON LAWLESS ENFORCEMENT OF LAW, SECTION ON CRIMINAL LAW AND CRIMINOLOGY, AMERICAN BAR ASSOCIATION, p. 17 (1930).

THE ACLU STUDY proves what has long been common knowledge among lawyers and other persons familiar with the operations of the Chicago Police Department—that the practice of holding persons for substantial periods of time in seclusion without bringing them to court is so widespread as to constitute organized police lawlessness.

To a greater degree than perhaps any other servant of government, the police officer is in personal contact with the everyday life and people of his community. To millions of Americans he symbolizes government and the ultimate functions of organized society: protection of life and property, enforcement of the public peace. In a real sense the police officer *is* "the law" to these people. He is the living manifestation of our common determination to preserve order and protect ourselves from those who would invade our "rights."

When the policeman himself becomes an agent of lawlessness, when the most conspicuous representative of public justice violates the very canons he is sworn to enforce, then cynicism flourishes, our society becomes increasingly brutalized and our liberties are endangered.

This report contains serious charges against public officials, charges which are not made lightly. In making them, the American Civil Liberties Union emphasizes that it is not questioning the character or motives of the men entrusted with leadership of the Chicago police. It is calling attention to a police practice which has been with us for years but which we believe violates the letter and the spirit of our fundamental law.

The values at stake were eloquently stated a generation ago by the late Supreme Court Justice Louis D. Brandeis:

"In a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a law-breaker, it breeds contempt for laws; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—to declare that the government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution.

Olmstead v. United States, 277 U.S. 438, 485 (1925).

The police in Chicago frequently attempt to justify their disregard of the law on the ground that they have a difficult job to do. But the practice of secretly holding arrested persons for the purpose of questioning them in a police station is not only a violation of personal liberty; it is also a poor substitute for effective police work. History demonstrates that whenever the police are permitted this arbitrary power, the inevitable abuses are accompanied by a deterioration in police efficiency.

Our police are entitled to all of the public support which they need in order to do a good job, including increased funds to pay adequate salaries and attract men of good caliber and to make use of the most modern crime detection techniques. But they must not

be allowed in the interests of false expediency to sacrifice any of the personal rights which constitute the hallmark of civilized government.

The citizens of Chicago and Illinois are not helpless in the face of the institutionalized violation of civil liberty described in this report.

Specific steps can be taken. Some of them are suggested here.

1. Substantially increased appropriations for the Chicago Police Department should be included in the next annual budget submitted to the City Council. These appropriations should be for the purpose of increasing police salaries, improving police selection and training and taking all other possible action to insure that Chicago has the most efficiently manned and equipped police department which can be obtained.

2. The Police Commissioner should promulgate a police department rule stating that all arrested persons are entitled to contact their families and attorneys upon request, and this rule should be prominently posted in all police stations where it will be seen by all prisoners. Vigorous disciplinary action should be taken against any officer found guilty of violating this rule.

3. The police should be required by law to advise all arrested persons that they are not compelled to answer any questions, that any statements which they make may be used against them, and that they are entitled to call a lawyer and their family. Police interrogation of prisoners who do not consent to being questioned should be forbidden by court rule. This is the practice followed by the agents of the FBI and the police in England, both forces which have an excellent law enforcement record.

4. The Commissioner of Police should be required, either by Municipal Court rule or by city ordinance to account each day to the Chief Justice of the Municipal Court for the prisoners currently in police lockups, giving their names, the time and date of their arrests, and the reason for their continued detention. Such report should be a matter of public record, so that the public can know at all times the frequency and length of prisoner detentions by the police department.

5. The Municipal Court of Chicago should formally promulgate a rule of court under which any judge of that court would be empowered to cite for contempt any police officer found to have been responsible for the illegal detention of a prisoner whose case is eventually brought before him. The Municipal Court has ample power to enact such a rule. By statute, the Illinois General Assembly has made Chicago police officers *ex officio* bailiffs of the Municipal Court. Clearly, given this status, any officer who wilfully breaks the law by holding a prisoner for an unreasonable time before bringing him to court could be held responsible through the contempt procedure.

6. The Illinois General Assembly should enact a statute making inadmissible in evidence at a criminal trial any confession obtained from the defendant in the course of an illegal police detention. This rule would make impossible the conviction of innocent men from whom false confessions have been extorted by violence or psychological coercion. This rule is presently the law in all criminal cases tried in the Federal courts.

7. The States Attorney should begin to enforce the criminal laws against police officers who violate the rights of prisoners.

8. The mayor should establish an independent bureau to receive citizen complaints against members of the police department. This office should be staffed by civilians and located away from City Hall in order to make it clear that all charges of police misconduct will be impartially investigated.

Other measures are required to make this program effective.

The Mayor must require the Commissioner of Police to assert his command powers in an effort to stop illegal detentions by his subordinates. The Department has long been notorious for non-feasance when it comes to taking action against those in its own ranks who break the law. A current example is the Department's inaction in the case of Sgt. Peter Harlib, described in Part I of this report.

In so acting, Mayor Daley will then be only carrying out his campaign pledges made in the last election when, in response to an ACLU questionnaire which was sent to both mayoralty candi-

dates, he committed himself to a policy of law enforcement against police officers who break the law by holding prisoners illegally. The ACLU questions and Mayor Daley's responses were as follows:

QUESTION: Will you require the police to book every prisoner immediately after arrest?

ANSWER: Yes.

QUESTION: Will you require the police to bring all prisoners to court on the day arrested, if possible, and not later than the following morning?

ANSWER: Yes.

QUESTION: Will you require disciplinary proceedings to be brought against any member of the Police Department who violates either of the foregoing requirements?

ANSWER: Yes.

Chicago's newspapers and its bar also have vital responsibilities. American lawyers and journalists have traditionally been our indispensable first line of defense against invasions of constitutional liberties. Theirs is the duty to inform the public and to press for needed reforms. One of Chicago's leading newspaper executives recently urged mid-western publishers to "keep the eternal spotlight of publicity on public servants." This spotlight must be as aggressively and constantly focused upon violations of civil liberties in the police and criminal law field as it is on the handling of public moneys.

APPENDIX A

STATEMENT CONCERNING STATISTICAL ASPECTS OF ACLU SECRET DETENTION STUDY

BY *William Kruskal* AND *Paul Meier*
DEPARTMENT OF STATISTICS, UNIVERSITY OF CHICAGO

1. *Summary.* The opinions expressed in this statement are based upon detailed information given us by Mr. Donald Moore, former Staff Counsel, Illinois Division, ACLU. For a summary of this information, see Appendix B. We did not ourselves participate in the data-gathering part of the survey, but we did perform some of the computations leading to the tables of the report.

Based on the information from Mr. Moore, and assuming the substantial correctness of the information in Police Department Arrest Slips and figures in the 1956 Municipal Court Statistical Summary, our general opinion is that, although it is impossible to set statistically valid limits of error on the summary figures of the report, there is no question that there were many thousands of lengthy (17 hours or more) secret detentions during 1956. In other words, the data of this survey show beyond reasonable doubt that lengthy secret detentions are not rare or occasional occurrences, but happen frequently. Given the manner of sampling, no biases that we can think of would affect this general conclusion.

2. *Basic numerical results.* We now turn to more detailed matters. First of all, we give a table of the basic results of the survey, together with certain computations, in a less rounded form than in the report proper and Appendix C. These may be of value to others who wish to perform further computations.

ACLU Detention Time Survey, Nine Municipal Court Branches, 1956
Basic Totals and Computations

Branch of Court	No. 1956 Cases Filed	Sample Size		Time Unknown	< 17 Hours	≥ 17 Hours	≥ 24 Hours	≥ 36 Hours	≥ 48 Hours	≥ 60 Hours	≥ 72 Hours
27	22,100	341	observed no.	154	128	59	22	10	3	1	0
			% of sample	45.16	37.54	17.30	6.45	2.93	.88	.29	.00
			proj. total	9,981	8,296	3,824	1,426	648	194	65	—
34	5,954	163	observed no.	27	108	28	16	7	4	4	3
			% of sample	16.56	66.26	17.18	9.82	4.29	2.45	2.45	1.84
			proj. total	986	3,945	1,023	584	256	146	146	110
36	5,370	79	observed no.	2	68	9	4	1	0	0	0
			% of sample	2.53	86.08	11.39	5.06	1.27	.00	.00	.00
			proj. total	136	4,622	612	272	68	—	—	—
40	10,939	185	observed no.	53	115	17	9	4	0	0	0
			% of sample	28.65	62.16	9.19	4.86	2.16	.00	.00	.00
			proj. total	3,134	6,800	1,005	532	237	—	—	—
42,42A,55	15,397	342	observed no.	76	163	103	59	21	9	4	1
			% of sample	22.22	47.66	30.12	17.25	6.14	2.63	1.17	.29
			proj. total	3,422	7,338	4,637	2,656	945	405	180	45
44	7,246	334	observed no.	101	66	167	121	71	31	15	8
			% of sample	30.24	19.76	50.00	36.23	21.26	9.28	4.49	2.40
			proj. total	2,191	1,432	3,623	2,625	1,540	673	325	174
57	12,325	242	observed no.	102	31	109	71	37	11	2	1
			% of sample	42.15	12.81	45.04	29.34	15.29	4.55	.83	.41
			proj. total	5,195	1,579	5,551	3,616	1,884	560	102	51
Over-all for nine branches	79,331		(weighted) % of sample	31.57	42.87	25.56	14.76	7.03	2.49	1.03	.48
			proj. total	25,044	34,012	20,275	11,712	5,578	1,978	818	379

Note that this table shows (by court branch) the number of unknown times, the number of times less than 17 hours, and the numbers of times equal to or greater than 17, 24, 36, 48, 60, and 72 hours. Thus most of the table gives the data cumulated to the right.

For most of the table three figures are shown, as follows:

a. Top line. The actual number of some category observed in the sample. For example, in the sample of 341 cases drawn from branch 27, there were 59 cases with detention times of 17 hours or more.

b. Middle line. The percentages of the sample. For example, in the above instance, $(100)(59)/341 = 17.30$ per cent of the cases had detention times of 17 hours or more.

c. Bottom line. Projected total numbers, obtained by multiplying the percentage by the number of 1956 cases filed. For example, in the above instance we obtain $(.1730)(22,100) = 3,824$.

Thus one has the following partial cross-checks:

a. The sum of the left three top line numbers in the main body of the table should be the sample size. For branch 27, $154 + 128 + 59 = 341$.

b. The sum of the left three middle line numbers should be 100. For branch 27, $45.16 + 37.54 + 17.30 = 100.00$.

c. The sum of the left three bottom line numbers should be the number of cases filed. For branch 27, $9,981 + 8,296 + 3,824 = 22,101$ as compared with 22,100 cases filed. The difference of one case results from rounding.

The over-all figures (bottom lines of table) were obtained by adding together in each column the projected total numbers. This gives the figure in the bottommost line. For example, in the ≥ 60 hr. column, $65 + 146 + 180 + 325 + 102 = 818$. (There are a few small rounding discrepancies, since we actually worked to tenths of cases in the computations.) The next-to-bottom line in the table was obtained by dividing this sum by the over-all number of 1956 cases filed in the nine branches, 79,331. For example, in the ≥ 60 hr. column, $(100)(818)/79,331 = 1.03$ per cent. Thus the over-all percentages are not simple averages of the branch percentages, but rather weighted averages, with the weights reflecting disproportions between branch sample sizes and branch numbers of 1956 cases filed.

In the tables in the other parts of the report, further rounding has

been performed, and hence an over-all projected total there may not quite be the sum of the corresponding several branch projected totals. Such small discrepancies are inevitable.

3. *Errors.* The percentages and projected totals in the tables are of course not exactly equal to their true values, i.e. the values one would have obtained if all possible cases had been accurately examined. It is convenient to classify the sources of such error into three categories. We now describe and discuss these three kinds of sources of error.

I. *Recording and computation errors, etc.* Errors may appear in transcribing data from the files, in tabulating these data, in performing computations on the data, and in preparing the report for publication. On the basis of our knowledge of this survey, we feel that appropriate precautions have been taken to keep these errors at a negligible level.

Errors in the Municipal Court files themselves are of course beyond the scope of this survey, and we have no way of evaluating them. The numbers of 1956 cases filed were taken from an official Court document and are presumably substantially correct, but we have no direct knowledge of this document's accuracy. One source of error in this connection is that the Court files used in the survey do not contain files of cases not yet disposed of by the time the sampling was actually done. We are informed that only a small number of cases filed in 1956 were still not disposed of by the time of sampling.

II. *Chance errors.* If the survey were to be repeated in the same general manner, somewhat different numbers would result because different files would have been chosen. We now discuss this sampling or chance error.

Although the samples were not drawn at random in the technical sense, a crude lower bound for error may reasonably be obtained by treating the survey as if it provided a stratified over-all sample with random sampling within each of the branches. Proceeding in this manner, we find that the approximate sampling standard deviations of the percentages in the ≥ 17 hours column range from 2% to about $3\frac{1}{2}\%$. Approximate 95% confidence intervals in the technical sense may be found by doubling the standard deviations and adding and subtracting these amounts from the observed per cents. The following table summarizes this information:

Branch	27	34	36	40	42 42A 55	44	57
Rounded % in sample ≥ 17 hours	17	17	11	9	30	50	45
Approx. stand. dev. of %	2.0	3.0	3.6	2.1	2.5	2.7	3.2
Approx. 95% confidence interval on true %	{ 21 } { 13 }	{ 23 } { 11 }	{ 18 } { 4 }	{ 13 } { 5 }	{ 35 } { 25 }	{ 55 } { 45 }	{ 51 } { 39 }

The projected branch totals have sampling standard deviations ranging from 176 (Branch 34) to 453 (Branch 27). The over-all projected total has an approximate sampling standard deviation of 817, so that we would be quite safe in supposing that the true over-all total, if only chance errors occur, is roughly between 18,600 and 21,900. Similarly the over-all weighted per cent, 25.56, has a sampling standard deviation of about 1%, so that we would be quite safe in supposing that the over-all per cent of ≥ 17 hour detentions in the 9 branches lies between $23\frac{1}{2}$ and $27\frac{1}{2}$ if we were sure that we were dealing only with the chance errors of stratified random sampling.

It might be more conservative to consider the sampling method as one based on randomly chosen clusters, in the technical sense, within strata, where the clusters are file drawers. Whether or not the result of such an approach would differ appreciably from that of stratified sampling depends on whether file drawers differ from each other more than one would expect on the basis of detention time variation within drawers. Although the data are not arranged so as to make an investigation of this point feasible, we understand that no noticeable sharp fluctuations from drawer to drawer were observed. It seems most unlikely that this effect would increase the sampling error of the major percentages and totals so much that the general conclusions would be affected. It is possible, however, that some comparisons between court branches might be affected.

In short, for the purposes of this study, chance errors alone had moderate effects on the individual branch figures and nearly negligible effects on the over-all figures.

III. *Possible errors of bias.* If the survey were to be repeated in the same general way a great many times and the resulting figures averaged, so that chance errors would be driven down to completely

negligible levels, the averages might still not be the true values because of possible biases stemming from the method of sampling. To take an extreme example, if thicker files tended to be associated with longer detention times, and if the survey personnel tended to choose thicker files, detention times in the sample would tend to be longer than in the entire group of cases. The only way to be sure of avoiding bias is to introduce randomization at some stage of the sampling procedure; that is, to take what may generally be called a probability sample. When this is impossible for practical reasons, as it often is in surveys connected with serious human problems, one must evaluate as best one can the magnitude of possible biases.

If one were to estimate the frequency of long detentions by probability sampling methods one would prefer to start with a list of the numbers actually assigned to cases filed in the various court branches. One could then choose a sample of these numbers for each branch by a suitable randomization procedure and examine the arrest slips corresponding to these numbers. In practice, when lists are not available, a sampling scheme may be considered satisfactory if, say, drawers are sampled at random, estimates are made of the number of cases filed in each drawer, and a random selection is made from the slips found in each drawer.

In the ACLU sample, the number and arrangement of the file drawers was learned only after the selection of the sample was under way. Although an attempt was made to end up with a selection of drawers more or less uniformly distributed over the set of drawers containing the arrest slips for each court branch, no formal randomization was used. Within each drawer approximately every eighth to twelfth file was usually examined. We are informed that occasional files (of the order of one in 35) are noticeably thicker than others, and these may have been somewhat under- or oversampled. We are further informed that when two successively drawn files obviously resulted from a group of arrests made on the same occasion, then no more files from this group were drawn.

The above-mentioned differences from a probability sample could conceivably lead to biases as follows. First, as the drawers contain files in numerical order, i.e. in the order in which cases were filed, a non-random sample of drawers might tend to be concentrated around time

periods in which the number of long detentions was greater (or smaller) than the average. The effort to use drawers scattered evenly from first to last suggests that this source of bias is not very great.

An additional possible source of bias might arise in the selection of files within a sampled drawer. Inasmuch as the files are arranged in numerical sequence and thus no concentration of long detentions in the front or back of the drawer is to be anticipated, the only evident possibility for bias is in the under- or over-representation of the thicker files. As these were few in number, and no tendency for them to have more or fewer long detentions than did other files was noted, the amount of bias from this source is considered quite small. We are informed that other physical characteristics of the files, such as color, wear, etc. could either not be detected when a file was chosen, or else had no connection with detention time.

In sum, the conceivable sources of bias were not such as to lead to errors of the same order of magnitude as the numbers of lengthy detentions reported.

APPENDIX B

DESCRIPTION OF SAMPLING METHODS USED IN ACLU STUDY

THE RAW DATA gathered in the ACLU study were secured from the case files of the Municipal Court of Chicago. These files are stored in the Municipal Court file vault, located in Room 1010, City Hall. This vault contains the records of all criminal and quasi-criminal cases disposed of by the Court except those cases heard by branches sitting at the Traffic Center, 321 North LaSalle Street.

The files are kept in numerical order (each file having an official number) in long narrow drawers in the vault. Approximately two hundred files are normally kept in each drawer. Every file contains a docket sheet which shows the Municipal Court file number, the branch of court which handled the case, the nature of the charge, the name of the judge, the amount of bail, if any, the dates of court appearances and the ultimate judgment and sentence in the case. Also included in each file are a copy of the complaint and a copy of the Chicago Police Department "Arrest Slip" which gives the circumstances of the arrest, the time and date of the arrest, the time and date of booking, and other data.

Before being placed in the drawers, these various documents are pinned together, folded and placed on end in the drawer in such a way that the file clerk or sampler can see only the official file number at the top of the center fold as he thumbs through the drawer. He cannot discover the facts about the arrest and booking of the defendant in a particular case unless he removes the file from its place among the two hundred others in the drawer, spreads it out before him and scans the arrest slip. Usually, in order to see the arrest slip at all, he must not only open up the folds in the file, but must also look beneath the complaint since the arrest slip is ordinarily the center document in the file, with the docket sheet constituting the "outside" page of the file and the complaint constituting the "inside" page.

Each case receives its official file number when the arrest slip and complaint are first brought into a branch of the Municipal Court. Each branch of the Court is assigned large blocks of numbers in advance by the Clerk's office in City Hall. Assignment of numbers is a routine operation—a case receives the next number available when it is first filed with the branch court clerk.

Initially, ACLU's samplers planned to sample no more than 200 cases in order to assemble data for a press release dealing with the incidence of illegal secret detention in Chicago. The number of secret detentions uncovered in this initial spot check was so large, however, that it was decided to attempt a more ambitious study. Unfortunately, the physical layout of the file vault, the necessity of not interfering with the routine work of the Municipal Court clerks who manned the vault, and the impossibility of securing formal official permission to work in the vault prevented ACLU's samplers from first making a thorough check on the number and location of the file drawers containing 1956 cases. Thus, in the early stages of the ACLU study no precise notion of the storage lay-out of the raw data for the study could be obtained. Necessarily, therefore, the unsystematic nature of the early drawer selection made it impossible to obtain a "random sample" in the technical sense. Much later, as the ACLU samplers tended to become established as regular inhabitants of the vault, they were able to appraise the number and layout of the 1956 file drawers. Thereafter care was taken to select drawers so as to obtain a reasonably uniform sample within each court branch. However, no formal randomization procedures were used.

Once a particular drawer had been selected by an ACLU sampler, the sampler would then select approximately 10 or 12 files from among the 200 in the drawer. No formula was employed in determining which files to select. The sampler was simply instructed to attempt to select files from the whole length of the drawer. Every case file which was removed from the drawer was opened, its contents noted on work-sheets made up for this purpose, and the file was then replaced.

The instructions to the ACLU samplers, combined with the physical circumstances of file storage within the drawers (nothing was visible to the sampler prior to case selection except the case file number and the thickness of the file) permitted no conscious bias on the part

of the samplers in selecting files. (Over half the sampling was done by the ACLU lawyer in charge—the remainder was done under his close supervision).

Soon after the decision to attempt a large-scale survey of arrest slips was taken, it became apparent that it would be impossible to secure an adequate number of cases from each of the many branches of the Municipal Court which handle criminal or quasi-criminal matters. It was then decided to concentrate on files from nine branches of the Municipal Court, so that a fairly large number of cases from each of these nine branches could be analyzed. The nine branches chosen include all of the more important specialized branches of the Municipal Court which deal with arrested persons (such as Boys Court, Felony Court, Narcotics Court, etc.) together with two of the so-called "outlying branches." After determining which drawers contained files from these nine branches, ACLU's researchers thenceforth pulled only those drawers. A larger number of cases was sampled from certain branches in which there was special interest because of their importance. However, as explained in Appendix A, the percentages and projected totals in this report are weighted in such a way that they are not affected by the varying sample sizes from the branches studied.

**Police Detentions of 17 OR MORE HOURS Between Arrest and Booking,
Nine Municipal Court Branches, Chicago, Illinois, for the Year 1956:**

	Rackets Branch 27	Wabash Avenue Branch 34	Grand Crossing Branch 36	Women's Branch 40	Boys, & Al- lied Branches Branches 42, 42A and 55†	Felony Branch 44	Narcotics Branch 57	NINE BRANCHES TOTAL
Observed Number of Detentions Lasting 17 Hours or Longer from Arrest to Booking (with per cent of sample)	59 (17%)	28 (17%)	9 (11%)	17 (9%)	103 (30%)	167 (50%)	109 (45%)	492 (26%)*
Size of Sample	341	163	79	185	342	334	242	1,686
Total New Cases Filed (1956 Statistical Summary, Municipal Court, at page 28)	22,100	5,954	5,370	10,939	15,397	7,246	12,325	79,331
Estimated Number of 1956 Detentions of 17 Hours or More (Projection of ACLU Sample)	3,800	1,000	610	1,000	4,600	3,600	5,600	20,300
Number and percentage of observed cases in which length of detention could not be determined because of police failure to complete the arrest slip.	154 (45%)	27 (17%)	2 (3%)	53 (29%)	76 (22%)	101 (30%)	102 (42%)	515 (32%)*

**Police Detentions of 24 OR MORE HOURS Between Arrest and Booking,
Nine Municipal Court Branches, Chicago, Illinois, for the Year 1956:**

	Rackets Branch 27	Wabash Avenue Branch 34	Grand Crossing Branch 36	Women's Branch 40	Boys, & Al- lied Branches Branches 42, 42A and 55†	Felony Branch 44	Narcotics Branch 57	NINE BRANCHES TOTAL
Observed Number of Detentions Lasting 24 Hours or Longer, from Arrest to Booking (with per cent of sample)	22 (6%)	16 (10%)	4 (5%)	9 (5%)	59 (17%)	121 (36%)	71 (29%)	302 (15%)*
Size of Sample	341	163	79	185	342	334	242	1,686
Total New Cases Filed (1956 Statistical Summary, Municipal Court, at page 28)	22,100	5,954	5,370	10,939	15,397	7,246	12,325	79,331
Estimated Number of 1956 Detentions of 24 Hours or More (Projection of ACLU Sample)	1,400	580	270	530	2,700	2,600	3,600	11,680
Number and percentage of observed cases in which length of detention could not be determined because of police failure to complete the arrest slip.	154 (45%)	27 (17%)	2 (3%)	53 (29%)	76 (22%)	101 (30%)	102 (42%)	515 (32%)*

* Slight discrepancies in the totals occur because of rounding. Percentages marked (*) are based on projected totals. See Appendix A.

† Branches 42, 42A, and 55 are grouped together because they are treated as a unit for some purposes in the annual statistical summary of the Municipal Court of Chicago—the source of ACLU's data on the total 1956 case loads of the various branches—and because the files for these three branches are mixed together in the Municipal Court file vault.

**Police Detentions of 36 OR MORE HOURS Between Arrest and Booking,
Nine Municipal Court Branches, Chicago, Illinois, for the Year 1956:**

	Rackets Branch 27	Wabash Avenue Branch 34	Grand Crossing Branch 36	Women's Branch 40	Boys, & Al- lied Branches Branches 42, 42A and 55†	Felony Branch 44	Narcotics Branch 57	NINE BRANCHES TOTAL
Observed Number of Detentions Lasting 36 Hours or Longer, from Arrest to Booking (with per cent of sample)	10 (3%)	7 (4%)	1 (1%)	4 (2%)	21 (6%)	71 (21%)	37 (15%)	151 (7%)*
Size of Sample	341	163	79	185	342	334	242	1,686
Total New Cases Filed (1956 Statistical Summary, Municipal Court, at page 28)	22,100	5,954	5,370	10,939	15,397	7,246	12,325	79,331
Estimated Number of 1956 Detentions of 36 Hours or More (Projection of ACLU Sample)	650	260	70	240	950	1,500	1,900	5,570
Number and percentage of observed cases in which length of detention could not be determined because of police failure to complete the arrest slip.	154 (45%)	27 (17%)	2 (3%)	53 (29%)	76 (22%)	101 (30%)	102 (42%)	515 (32%)*

**Police Detentions of 48 OR MORE HOURS Between Arrest and Booking,
Nine Municipal Court Branches, Chicago, Illinois, for the Year 1956:**

	Rackets Branch 27	Wabash Avenue Branch 34	Grand Crossing Branch 36	Women's Branch 40	Boys, & Al- lied Branches Branches 42, 42A and 55†	Felony Branch 44	Narcotics Branch 57	NINE BRANCHES TOTAL
Observed Number of Detentions Lasting 48 Hours or Longer, from Arrest to Booking (with per cent of sample)	3 (1%)	4 (2%)	0	0	9 (3%)	31 (9%)	11 (5%)	58 (2%)*
Size of Sample	341	163	79	185	342	334	242	1,686
Total New Cases Filed (1956 Statistical Summary, Municipal Court, at page 28)	22,100	5,954	5,370	10,939	15,397	7,246	12,325	79,331
Estimated Number of 1956 Detentions of 48 Hours or More (Projection of ACLU Sample)	190	150	0	0	410	670	560	1,980
Number and percentage of observed cases in which length of detention could not be determined because of police failure to complete the arrest slip.	154 (45%)	27 (17%)	2 (3%)	53 (29%)	76 (22%)	101 (30%)	102 (42%)	515 (32%)*

* Slight discrepancies in the totals occur because of rounding. Percentages marked (*) are based on projected totals. See Appendix A.

† Branches 42, 42A, and 55 are grouped together because they are treated as a unit for some purposes in the annual statistical summary of the Municipal Court of Chicago—the source of ACLU's data on the total 1956 case loads of the various branches—and because the files for these three branches are mixed together in the Municipal Court file vault.

APPENDIX D

DATA FROM MUNICIPAL COURT BRANCHES NOT INCLUDED IN DETAILED ACLU ANALYSIS

<i>Branch</i>	<i>Sample Size</i>	<i>Cases Where Length of Detention Could Not Be Determined Because of Police Failure to Complete Arrest Slip</i>	<i>Observed Detentions of 17 Hours or More</i>
20	14	0	0
25	12	1	0
28	45	4	5
30	73	10	0
31	10	0	0
32	42	3	4
33	27	3	1
35	70	1	2
38	27	4	3
41	23	4	0
56	9	0	2
Totals—11 Branches	352	30	17

"In its long history the ACLU has befriended persons of all shades of political and religious opinion. . . . Concern for free speech, equal treatment under the law, and a fair trial before conviction is the essence of Americanism, the opposite of Communist tyranny. . . ."

THE CHICAGO DAILY NEWS

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April 8, 1959

EX-136

Mrs. [redacted]

North Platte, Nebraska

b6
b7C

Dear Mrs. [redacted]

Your letter dated April 2, 1959, with enclosures, has been received.

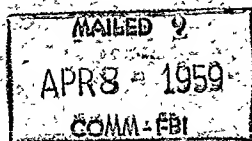
Although I would like to be of service, the function of this Bureau as strictly a fact-gathering agency does not extend to furnishing evaluations or clearances of any publication, organization or individual. Furnishing information of the type you requested would, in effect, constitute an approval or disapproval of the statement and groups in question, and I am unable to answer your inquiry.

Sincerely yours,

John Edgar Hoover
John Edgar Hoover
Director

NOTE: Correspondent's second enclosure was a stamped, self-addressed envelope utilized in reply.

DCL:blr
(3)



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Holloman _____
Gandy _____

MAIL ROOM ☐ TELETYPE UNIT ☐

APR 8 10 26 AM '59
REC'D-READING ROOM
FBI

[Handwritten signatures and initials: Key, WJH, BHN, del]

66 APR 15 1959

North Platte, Nebr.

April 2 1959

J. Edgar Hoover,

Director, F.B.I.

Washington, D.C.

AMERICAN CIVIL LIBERTIES
UNION

Dear Sir:

Would you please comment on the inclosed clipping as to its similarity to the "false fronts" as depicted in your book, "Masters of Deceit"?

I shall appreciate an answer soon as your book is to be reviewed at a Federated Woman's Club Dept., April 14. Thank you.

Sincerely

Mrs. [redacted]

b6
b7c

ENCLOSURE
clip + stamped encl.

REC-7

EX-136

61-190-756

APR 10 1959

CRIME REC
121

Religion in Schools Critized by ACLU

CHICAGO (EP)—The Church Federation of Greater Chicago has been asked to refrain from initiating religious controversy in public education by the Illinois Division of American Civil Liberties Union.

A statement entitled "Opening Pandora's Box: Religion in the Public Schools" was issued by the ACLU as an answer to the federation's provisional policy statement on religion and public education. The Protestant agency's statement was called "unwise" and a "dangerous departure" from the traditional American concept of church and state. The ACLU condemned the federation

April 1, 1959

for offering no specific proposals for a curriculum to teach religious values.

The federations' assertion that people of differing theological views can agree on the practical ways in which religion functions in the lives of people was also challenged by the ACLU.

61-170-756
ENCLOSURE

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (61-190)
 FROM : SAC, HONOLULU (100-4974)
 SUBJECT: AMERICAN CIVIL LIBERTIES UNION
 INFORMATION CONCERNING
 (INTERNAL SECURITY)

DATE: 4/9/59

ReBulet 3/23/59.

REC-21

EX-113

This office has no record of a JOSEPH GARNER, and there is no one of that name listed among attorneys in the Honolulu telephone directory. On 4/7/59, Justice INGRAM STAINBACK, Supreme Court of Hawaii, reported that undoubtedly the name should be JOSEPH GARNER-ANTHONY, a prominent lawyer of Honolulu and former Attorney General of Hawaii.

ANTHONY is identical with subject of report of J. STERLING ADAMS, Honolulu, 1/24/42, entitled "JOSEPH GARNER ANTHONY, DEPARTMENTAL APPLICANT, UNITED STATES ATTORNEY." The only derogatory information in the files of this office concerning ANTHONY consisted of allegations from Justice STAINBACK stating that ANTHONY may use his political influence to pressure local judges. This information was set forth in letterhead memorandum to the Bureau 9/30/58, entitled "JOSEPH GARNER ANTHONY, MISCELLANEOUS."

On 3/27/59, [redacted] a Honolulu attorney representing the Bar Association and the Supreme Court of Hawaii in the appeal of HARRIET BOUSLOG SAWYER to the U. S. Supreme Court over her disbarment, was contacted in the SAWYER case. [redacted] related that when the grievance committee of the Bar had first moved against Mrs. SAWYER for unethical conduct during the Honolulu Smith Act trials, she had been represented by ANTHONY until the hearings became public.

On 6/16/53, Mrs. DOROTHY K. FUNN, New York City, and a former member of the CP from 1939 to 1953, identified HARRIET BOUSLOG as a member of the CP in Washington, D. C., in 1944.

[redacted] also reported that during the last national meeting of the Bar Association, ANTHONY had entered an objection to a committee report criticizing decisions of the Supreme Court in Smith Act cases.

- 2 - Bureau (RAM)
- 2 - Honolulu
- (1cc-77015 (ANTHONY))

LSB:vap

(4)

60 APR 20 1959

REC-25

APR 13 1959

EX-102

61-190-757

HN 100-4974

For the further information of the Bureau, ANTHONY is generally given credit for the appointment of present Governor WILLIAM QUINN of Hawaii. QUINN, prior to his appointment, was a young attorney in ANTHONY's law firm and was almost a political unknown. He had run for the Territorial Senate on one occasion and had been defeated.

RUC.

1 - Mr. Simpson

REC-15

61-190-758

April 17, 1959

EX-113

Mrs. [REDACTED]

[REDACTED]
Inwood, Long Island, New York

Dear Mrs. [REDACTED] MRS

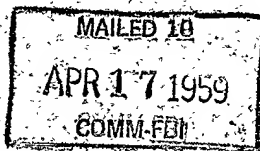
b6
b7C

Your letter dated April 10, 1959, with its enclosure, has been received, and the interest which prompted your communication is appreciated.

While I would like to be of assistance, the function of the FBI as a fact-gathering agency does not extend to furnishing evaluations or comments concerning the character or integrity of any individual, organization or publication.

I regret, therefore, that I am unable to comply with your request for information concerning the organization you mentioned.

Sincerely yours,



John Edgar Hoover
Director

1 - New York

ATTENTION: SAC, New York

Correspondent inquired concerning the status of the American Civil Liberties Union (ACLU) and alleges it has fomented trouble among five towns in her vicinity. She enclosed a newspaper advertisement indicating a rally sponsored by the South Shore Jewish Community Council was called for April 15, 1959, to protest the recitation of the Lord's Prayer in public schools. One of the speakers at the rally was identified as Patrick Malin, executive director of the ACLU. (NOTE TO NEW YORK, CONTINUED, PAGE TWO)

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W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

RDS:dy

MAIL ROOM

APR 24 1959

SEE NOTE ON YELLOW, PAGE TWO

Mrs. [REDACTED]

b6

b7c

NOTE TO NEW YORK, CONTINUED

Bufiles contain no identifiable data concerning the correspondent. The Bureau has not conducted an investigation of the ACLU and has been on friendly terms with Patrick Malin. The Los Angeles Chapter of the ACLU has circulated a petition calling for the abolition of the House Committee on Un-American Activities, and the Seattle Chapter has recommended an investigation of the FBI. SAC Letter 58-82 instructed the field to advise the Bureau of any action being taken by the ACLU to investigate the FBI. (61-190) ✓

NOTE ON YELLOW:

If we advise the correspondent we have not investigated the ACLU, it may possibly be construed as a clearance of this organization by the FBI. In view of the activities of chapters of this organization on the west coast, it is believed the above reply will best serve the interests of the Bureau.

[Redacted]

b6
b7C

INWOOD, L. I., N. Y.

CEDARHURST 9-0068

April 10, 1959

Mr. E. J. Hoover
Washington, D. C.

A. C. L. U

My dear Mr. Hoover,
Would you kindly in-
form us as to the status
of the American Civil Liber-
ties Union. I am enclosing
an article against the
Lord's Prayer in our schools.
This Union has fomented
trouble among the five
towns and as a result the
Lord's Prayer has been
forbidden. Before this
same group of 1-190-758
the Christmas ~~to~~ know
we would like to know
their origin. I would
is on the school board
of district 15th. Should you

REC-15

EX-113

APR 20 1959

ACK 4-17-59
I-NY RDS:pw

CRIMINAL

[REDACTED]
INWOOD, L. I., N. Y.

CEDARHURST 9-0068

kindly inform us as to
the status of this organ-
ization.

I am enclosing one
of the programs by the
organization.

I would appreciate
your earliest reply.

Yours sincerely,

(Mrs) [REDACTED]

b6
b7c

ENCLOSURE
(in 2)

ENCLOSURE ATAC

the actual story of an 18th century whose inf...

A CALL TO THE CITIZENS OF THE FIVE TOWNS....

Let's Face The Facts ... Together!

We feel impelled to call to the attention of Five Towns residents a continuing violation of the fundamental American principle of separation of church and state by the school authorities of District 15 and of their disregard for the religious sensibilities of a large portion of the community.

These are the facts:

— FACT ONE —

Despite repeated protests and requests that it be discontinued, the "Lord's Prayer" is recited every day in a number of the public schools in District 15. This is a clearly sectarian prayer and is a treasured part of the ritual of the Christian Church, for which we respect it. The "Lord" referred to is Jesus, the text derives from Matthew in the New Testament. Finally, there are differences between the Protestant and Catholic versions of the prayer. When recited in the classroom, Protestant children will recite the entire prayer, Catholic children will refrain from saying the concluding verse, and Jewish children should remain completely silent. The recital of the prayer in the public schools, therefore, in addition to violating the principle of the separation of the Church and State, emphasizes religious differences, and is a divisive influence.

— FACT TWO —

Recently, a parent in the school district made a written request to the School Board that the prayer be discontinued. Instead of considering the request and facing the issues, the School Board referred the question to the Religious Council of the Five Towns. (This Council is "a cooperating council of ministers and rabbis organized to further enterprises serving the spiritual welfare of the community.")

— FACT THREE —

The Religious Council in its reply in January of this year, recalled that in March 1957, a memorandum had been drawn up as a result of a conference between a committee of the Religious Council and the Trustees of School District 15 on the subject of religion in our public schools. It referred to a memorandum of that meeting which included the following understanding: "That no sectarian prayers or Scripture reading be made part of any school program or class room situation." This memorandum was sent to the Superintendent of Schools of that District who stated that he would present it to the Board of Education at its next meeting. This was two years ago, but nothing has been heard since on this issue from the school authorities and the recitation of the "Lord's Prayer" continues. The Religious Council also informed the School Board that, while it was prepared to offer its council informally, "we recognize that your Trustees must make their own decision on the question of the 'Lord's Prayer' as on all other matters that come before them as part of the administration of the school system."

— FACT FOUR —

Meanwhile, the parent who had written to the School Board failed to receive any action, positive or negative. He decided to seek redress in the courts and engaged counsel for this purpose.

— FACT FIVE —

When the South Shore Jewish Community Council, embracing representatives from twenty-three Jewish synagogues and civic organizations in the Five Towns, learned of the projected law suit, its Executive Committee met with the parent and prevailed upon him to withhold court action while efforts were made to arrive at an amicable solution with the school authorities.

— FACT SIX —

The President of the Jewish Community Council, thereupon, wrote to the President of the Board of Education asking that a small committee from the Council meet with the School Board to attempt to arrive at an understanding that would avoid litigation and "benefit every element in our community."

— FACT SEVEN —

The letter was acknowledged with the statement that it would be presented to the School Board and that its decision would be communicated to the President of the Council.

— FACT EIGHT —

Three months have elapsed and despite repeated telephone calls and other communications, neither the School Board nor the Superintendent of Schools nor any of its representatives have seen fit to meet with representatives of the South Shore Jewish Community Council to discuss the problem. (Thus, in addition to disregarding one of the basic provisions embodied in the United States Constitution, and flagrantly ignoring the religious sensibilities of a large portion of the community, the school authorities have refused to grant responsible representatives of the community the courtesy of a hearing or a meeting to present their views.)

Needless to say, the South Shore Jewish Community Council is profoundly committed to religious worship and religious education. We know that nothing is of greater importance to the moral and spiritual health of our nation than the blessings of religious education in our homes, churches, and synagogues. But we also recognize that the

— FACT FOUR —

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Needless to say, the South Shore Jewish Community Council is profoundly committed to religious worship and religious education. We know that nothing is of greater importance to the moral and spiritual health of our nation than the blessings of religious education in our homes, churches, and synagogues. But we also recognize that the principle of separation of Church and State is a keystone of American democracy and we are, therefore, unalterably opposed to the use of public schools, directly or indirectly, for sectarian purposes. The public school is not the proper place for sectarian prayers, whether such prayers be Jewish prayers, Christian prayers, or the prayers of any other faith.

Opposed to the continued use of the "Lord's Prayer" in the public schools of District 15; distressed by the total insensitivity on the part of the School Board to the religious convictions of an important segment of the community; outraged at the cavalier manner in which the School Board has flouted sincere efforts on the part of responsible and representative citizens to ameliorate the situation, we deem it our responsibility to call these facts to the attention of the entire community, confident that informed citizens of all faiths will find a way to correct an unfair and insufferable situation in their own community.

Respectfully,

ABRAM VOSSEN GOODMAN, President
EDWARD SANDROW, Past-President
CALLMAN GOTTESMAN)
ALBERT VORSPAN) Co-Chairmen

COMMUNITY RELATIONS COMMITTEE
SOUTH SHORE JEWISH COMMUNITY COUNCIL

 **LET'S FACE THE FACTS....TOGETHER!** 

JOIN YOUR FRIENDS AND NEIGHBORS AT THE MASS MEETING TO BE HELD AT
CONGREGATION BETH SHOLOM, BROADWAY AT WASHINGTON AVENUE, LAWRENCE,

WEDNESDAY EVENING, APRIL 15th — AT 8:30 P. M.

SPEAKERS: MR. PATRICK MALIN, Executive Director of the American Civil Liberties Union
MR. LEO PFEFFER, American Jewish Congress — Expert on Church and State
REVEREND RICHARD D. LEONARD, Pastor of Bethany Congregational Church, East Rockaway
RABBI ABRAM VOSSEN GOODMAN, Presiding.

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: April 22, 1959

FROM : MR. G. H. SCATTERDAY *GH*SUBJECT: LOUIS M. HACKER
CHAIRMAN, ACADEMIC FREEDOM COMMITTEE OF
AMERICAN CIVIL LIBERTIES UNION

Tolson	_____
Boardman	_____
Belmont	_____
Mohr	_____
Nease	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
W.C. Sullivan	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

DeLoach
McGuire
W.C. Sullivan

Reference is made to Albany letter dated 4-17-59 captioned "American Civil Liberties Union (ACLU)," which attached a copy of a letter from Louis M. Hacker to the Academic Freedom Committee dated 11-4-58. The attached letter is entitled "Notes on the FBI, etc., and Conduct of Students" and in general is critical of the FBI and other Government agencies' inquiries of colleges and universities regarding students.

Bureau files reveal that the same letter mentioned above was furnished to the Bureau by Irving Ferman, Washington representative of the ACLU, in November, 1958. Ferman also furnished a second letter written by one Professor H. Harry Giles to the Academic Freedom Committee, which takes issue with the statements submitted by Hacker. The Director commented "Note that Hacker and even Giles hang the onus on the FBI and bracket the others and the most active under 'etc.' H."

Louis M. Hacker is apparently identical with Louis Morton Hacker, who, according to "Who's Who" was born in New York City on 3-17-99; A.B. and A.M., Columbia, 1922-23; M.A. Oxford University, England, 1948. He has been associated as a professor with Columbia University since 1935 and has been Dean of the School of General Studies since 1952. He has had intermittent employment with numerous other colleges and universities throughout the United States, Hawaii and England. He is listed as a member of the ACLU (Director, Chairman, Academic Freedom Committee, Executive Secretary, Academic Freedom Project). He has been the author of numerous books of a historic and economic nature since 1932. He resides at 430 West 116th Street, New York City.

INFORMATION IN BUREAU FILES:

EX 107

The Bureau has not investigated Hacker. A reliable informant secured from the Communist Party records in San Francisco a list of the National Officers, National Committee of the American Student Union (ASU) as of 4-28-36, which contained the name of Dr. Louis Hacker, NYC - Columbia University as a member of the Advisory Committee. The ASU has been cited as a communist front by the Special Committee on Un-American Activities in 1939, 1940 and 1942. (61-7497-58 p 20)

The House Committee on Un-American Activities (HCUA) listed the name of Louis M. Hacker as a sponsor of the Consumers Union (CU), cited by the Special Committee on Un-American Activities in 1944 as a communist

Enclosures *sent 4-22-59*

1 - Mr. Belmont

1 - Name Check Section

JDM:nmn:fjb

1 - Mr. []

(4)

60 APR 30 1959

APR 28 1959

b6
b7C
Name check GH

Memorandum to Mr. Belmont
RE: LOUIS M. HACKER

front. The Committee on Un-American Activities in its annual report for 1953 deleted the CU from the "Guide to Subversive Organizations and Publications."

✓
"The New York Times" edition 5-22-58 carried an article stating that Dr. Louis M. Hacker, the outgoing Dean of the School of General Studies at Columbia University had charged that a blacklist exists at American universities which prevents the employment of professors who have refused to answer questions about their personal lives. He likened this practice to the infamous Spanish Inquisition. He asserted that the profession of learning watches over its own integrity and educators must reject the assumption that the integrity of the profession can be preserved only if legislatures or self-appointed bodies can periodically call upon the universities to justify themselves. (61-7558-A) A similar article appeared in the 4-5-55 issue of the "Washington Post and Times Herald" entitled "American Suspicion of Intellectuals." (140-0-A)

ACTION:

(1) For information.

(2) That the attached letter be forwarded to New York and Albany advising of information in Bureau files and instructing New York to furnish Bureau with any additional information in New York files.

A large handwritten signature, possibly 'J. Edgar', is written over a horizontal line. To the right of the signature, there is a checkmark and the initials 'H.H.'.

SAC, New York

2-Orig and one
1-Yellow
1-Name Check
1-Mr. Belmont
1-Mr. [redacted]

April 23, 1959

Director, FBI

REC-67

AMERICAN CIVIL LIBERTIES UNION

EX 109

Re Albany letter to the Bureau dated April 17, 1959, captioned as above.

Louis H. Hacker is apparently identical with Louis Morton Hacker, who resides at 430 West 116th Street, New York City. Background information concerning Hacker is available in the current issue of "Who's Who in America."

The Bureau received a copy of Hacker's letter to the Academic Freedom Committee, which was an enclosure to relet from Irving Ferman, Washington representative of the American Civil Liberties Union (ACLU) in November, 1958. This letter was furnished in confidence and Ferman's identity should not be divulged. A review of Bufiles disclosed that there has been no investigation conducted by the Bureau concerning Hacker, and there is a limited amount of derogatory information concerning him. Pertinent information in Bufiles is set forth below:

The Bureau has not conducted any investigation concerning Hacker. A reliable informant secured from the Communist Party records in San Francisco, a list of the National Officers, National Committee of the American Student Union (ASU) as of 4-28-36. This list contained the name of Dr. Louis Hacker, NYC - Columbia University as a member of the Advisory Committee. The ASU has been cited as a communist front by the Special Committee on Un-American Activities in 1939, 1940, and 1942.

The House Committee on Un-American Activities (HCUA), House of Representatives, 78th Congress, Report page 664 listed the name of Louis H. Hacker as a sponsor of the Consumers Union (CU). The CU was cited by the Special Committee on Un-American

1 - Albany (62-1407)

Tolson
Boardman
Belmont
Mohr
Nease
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

JDM/mnn
(7)

MEMO

ENCLOSURE TO SCATTERDAY TO BELMONT, 4-22-59, Re: LOUIS M. HACKER, CHAIRMAN, ACADEMIC FREEDOM COMMITTEE OF AMERICAN CIVIL LIBERTIES UNION, JDM/mnn/FB

MAILED 31
APR 23 1959
COMM-FBI

50 MAY 6 1959

5/20/59
0-1 TO NY
6/8/59

Letter to SAC, New York
RE: AMERICAN CIVIL LIBERTIES UNION

Activities in 1944 as a communist front. The Committee on Un-American Activities in its annual report for 1953 stated that "After hearings and thorough study, the Committee finds there is no present justification for continuing this organization (CU) as one that is cited." The CU has been deleted from the "Guide to Subversive Organizations and Publications" prepared by the HCUA.

"The New York Times" edition of 5-22-58 carried an article stating that Dr. Louis M. Hacker, the outgoing Dean of the School of General Studies at Columbia University had charged that a blacklist exists at American universities which prevents the employment of professors who have refused to answer questions about their personal lives. He likened this practice to the infamous Spanish Inquisition. Hacker asserted that the profession of learning watches over its own integrity and educators must reject the assumption that the integrity of the profession can be preserved only if legislatures or self-appointed bodies can periodically call upon the universities to justify themselves. A similar article written by Louis M. Hacker appeared in the 4-5-55 issue of the "Washington Post and Times Herald." It was entitled, "American Suspicion of Intellectuals."

New York should review files and furnished the Bureau with any additional pertinent information concerning Hacker. Conduct no inquiry of outside sources concerning Hacker.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: April 17, 1959

FROM : SA PETER F. MAXSON

SUBJECT: AMERICAN CIVIL LIBERTIES UNION (ACLU)

Mr. Tolson	✓
Mr. Belmont	✓
Mr. DeLoach	✓
Mr. McGuire	✓
Mr. Mohr	✓
Mr. Parsons	✓
Mr. Rosen	✓
Mr. Tamm	✓
Mr. Trotter	✓
Mr. W.C. Sullivan	✓
Tele. Room	✓
Mr. Holloman	✓
Miss Gandy	✓

On April 8, 1959, [redacted] Cornell University, Ithaca, New York, furnished a copy of a memorandum received by the Academic Freedom Committee, Cornell University from LOUIS M. HACKER (not further identified) written on a letterhead of the ACLU, 170 Fifth Avenue, New York City. This copy was made available by [redacted] to SA PETER F. MAXSON on a confidential basis, and is enclosed herewith for the Bureau.

b6
b7C
b7D

[redacted] advised that it is his understanding that since the receipt of this memorandum, Professor [redacted]

[redacted], and [redacted], have conducted a survey to determine what files and records are made available to Government investigators, and that this survey has established that all records are made available with the exception of confidential medical records maintained in the University Medical Clinic and Infirmary. [redacted] further stated that there is no indication that this policy will be changed in any way and that Cornell will continue to cooperate in all Government investigations.

[redacted] added that he believes that the writer of this memorandum, who is not a member of the Cornell faculty or student body, resides in New York City.

On April 13, 1959, [redacted] Cornell University, advised that he had observed instant memorandum after its receipt at Cornell and that Cornell President DEANE W. MALOTT expressed extreme displeasure when he read the memorandum, stating that Cornell would continue to cooperate with the FBI and any other Government agency in any official investigation. [redacted] stated that the writer

- ② - Bureau (Encl.)
1 - New York
1 - Albany (62-1407)
PFM/hcv
(4)

ENCLOSURE

EX 109

REC-6761-190-760

4-22-59

Let to

APR 30 1959

JDD/nmm
Name check

AL 62-1407

of this memorandum is unknown to him, but that he believes that he is from New York City. In this regard, it is noted that the current Manhattan Telephone Directory lists a LOUIS M. HACKER at 430 West 116th Street, New York City.

For the information of the New York Office, in this memorandum HACKER states that investigations conducted by the FBI and other Government agencies "invade the sanctuary of the university" and that administrators make available material contained in "raw files" which are more than simply records of academic performance. He recommends that these "raw files" be destroyed after residence or graduation and that only records of academic performance and disciplinary action, if due process has been fully maintained, should be retained. He then states that "it is questionable whether administrators and professors should answer questions about 'character' and 'personality traits' concerning young persons who when students were still in their formative years", and he suggests that "comments be confined exclusively to academic performance and habits of work."

The memorandum concludes with the following paragraph:

"We should also give attention to the intrusion of government agents on the campuses of universities for the purpose of maintaining surveillance of foreign students. Such intrusion includes contacts with other students in an effort to obtain information about classroom attitudes, social life off the campus, etc. In Short, F.B.I., etc., establish 'contacts' with other students (frequently foreigners themselves, whom they can compel to be their agents) and thus obtain reports on students under surveillance and perhaps even on professors as well."

The above is submitted for information. It is suggested that if HACKER is not already known in either Bufiles or New York Office files, inquiries be made by New York to fully identify him. No additional action is being taken by this office.

November 4, 1958

To: Academic Freedom Committee

From: Louis H. Hacker

NOTES ON THE F.B.I. ETC. AND CONDUCT OF STUDENTS

1. The regular enquiries government agencies (F.B.I., Secret Service, Counter-Intelligence, CIA) make of professors and administration concerning conduct of job applicants and "security risks," when these were students in residence, invades the sanctuary of the university where, it may be said, the university is in 1950 parentis as well.

2. Administrators (deans, deans of men, assistants to the dean) have been increasing in enormous proportions and all of these collect "raw files" on students which go far beyond simply records of academic performance. Students who get into fracasos of all sorts, are associated with activities which either do or do not require discipline, antagonize professors, are suspected or accused of homosexuality, are regarded as unstable (perhaps only because they are induly argumentative in class) end up with long files which administrators consult when subsequent inquiries are made about them.

3. Inquiries these days, from government agencies and other sources, concern themselves not only with academic performance and habits of work but with "character" and "personality traits" (trustworthiness, ability to get on with peers and superiors, emotional stability, etc., etc.)

4. Such inquiries and such "raw files" may be among the reasons for co-called conformity among students today.

5. Every effort must be made to encourage the freedom of students as they experiment with ideas, association, writing (on and off the campus), etc. in a climate of complete security from outside interference or currently or subsequently.

6. To protect students from subsequent inquiry, "raw files" should be destroyed after residence or graduation, only records of academic performance being retained and of disciplinary action only if due process has been fully maintained.

7. It is questionable whether administrators and professors should answer questions about "character" and "personality traits" concerning young persons who when students were still in their formative years, (to many deans, deans of men, etc., etc. are engaging in psychiatric judgments -- for which they have no skills -- when discussing "character" and "personality traits.")

8. It is suggested, for purposes of discussion here, that comments be confined

61-190-760

ENCLOSURE

exclusively to academic performance and habits of work (and on this latter only when positive judgments can be made based on familiarity and not random observations).

We should also give attention to the intrusion of government agents on the campuses of universities for the purpose of maintaining surveillance of foreign students. Such intrusion includes contacts with other students in an effort to obtain information about classroom attitudes, social life off the campus, etc. In short, F.B.I., etc., establish "contacts" with other students (frequently foreigners themselves, whom they can compel to be their agents) and thus obtain reports on students under surveillance and perhaps even on professors as well.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR

DATE: 5/4/59

FROM : SAC, NORFOLK (62-0)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION
OF NORTHERN CALIFORNIA
INFO CONCERNINGb6
b7C

On 4/20/59 the below listed material was received by mail from Mrs. [redacted] Va., who advised [redacted] of former assistant to the Director, LOUIS NICHOLS.; Mrs. [redacted] had telephonically contacted this office on 4/17/59 and requested information re whether captioned organization was subversive. She was tactfully advised such information could not be given to her.

She advised she received the material from her cousin, [redacted] California. She received two prior letters, but has destroyed them. She advised [redacted] is employed by the Red Cross, but has apparently become interested in this organization. The material, all enclosed for San Francisco, is as follows:

1 Business Reply Envelope to American Civil Liberties Union, 503 Market Street, San Francisco, California.

1 letter (carbon copy) to Mrs. [redacted] signed (stamped) [redacted] Membership Campaign.

1 copy April 1959 issue of American Civil Liberties Union News (4 pages).

Mrs. [redacted] advised she would furnish this office with any further material she receives and UAC this material will not be forwarded to San Francisco.

Above for information of Bureau.

- ② - Bureau (Registered Mail)
- 2 - San Francisco (3 Enclosures) (Registered Mail)
- 1 - Norfolk

66 MAY 13 1959

MAY 7 1959

REC.

Director, FBI (Bufile 100-430377
100-390632)

April 29, 1959

SAC, Philadelphia (En 100-1086, 100-43779
100-34760)

AMERICAN CIVIL LIBERTIES UNION

[REDACTED]
SI - SWP

MICHAEL CHARLES LELIS, aka.
SI - SWP

On April 28, Mr. HENRY SAWYER, who is a Councilman for the City of Philadelphia and associated with the AMERICAN CIVIL LIBERTIES UNION, together with Mr. SPENCER COKE, Executive Director of the ACLU, Philadelphia, called at the Philadelphia office. They advised that there were two interviews which had been conducted by Agents of the FBI concerning which the interviewees had complained to SPENCER COKE regarding the interviews conducted. They were as follows:

[REDACTED] - COKE advised that during the first week of April [REDACTED] talked with him and stated that he had been interviewed by two FBI Agents on the previous day. He identified [REDACTED] as residing at [REDACTED] as being a student at Drexel University, whose parents reside in Chester County, Pennsylvania. COKE stated that [REDACTED] also works part-time for the Post Office Department.

[REDACTED] told COKE that he had been attending meetings of the Young Socialists Club, which COKE stated he gathers is under the surveillance of the FBI; that two FBI Agents, one of whose names is [REDACTED] came to his home, and after identifying themselves, started the conversation with: "Tell me about your Communist activity." They presented a picture of TROTSKY, and asked [REDACTED] to identify TROTSKY's picture.

- 4 - Bureau (100-430377, 100-390632) Enc. 6
3 - Phila (100-1086, 100-43779, 100-34760)

CEH:AVU
(7)

61-198-
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102 MAY 8 1959

52 MAY 12 1959

430377-108-430377-
ORIGINAL FILED IN

NY 100-1036

to state if he was a Communist. According to COME, [redacted] has identified the picture of TROTSKY as being a Communist. [redacted] then informed [redacted] that he knew [redacted] had been attending the Young Socialist Club and other organizations, and volunteered statements that they were Communist groups.

Upon interrogation, COME stated that one of the other clubs which was mentioned during the interview was the Socialist Workers Party. According to COME, the Agents then labored with [redacted] not to take part in such activities, and during the interview gave information regarding meeting dates, which were correct.

Following this, [redacted] who did not want to argue the pros and cons of the organizations, indicated that he wanted no further conversation with the Agents, and then in departing, the Agents advised him that if he did not call up in the next few days, they would get in touch with his parents and tell them about their son. [redacted] alleged that his father worked hard to put him through college, and was not entirely in accord with his, [redacted] activities in the various Socialist groups. b6 b7C

Concerning the above allegations, both SAWYER and COME stated they were concerned on two points. (1) That the FBI would, in conducting interviews with individuals, attempt to instruct, that they should or should not belong to certain organizations or take part in certain activities; (2) the allegation that the Agents threatened to inform the parents of [redacted] regarding his activities if he did not get in touch with the Agents and furnish information.

I informed these gentlemen that the investigation which was being conducted by the FBI was a proper investigation within FBI jurisdiction. I acknowledged that we had interviewed [redacted]. I denied that the Agents had attempted to tell [redacted] whether he should or should not belong to the organizations in question, and I denied that any threats had been made to him that his parents would be informed of his activities, or that we had told his parents of his activities.

PH 100-1036

The Bureau's attention is directed to Philadelphia letter dated April 8, 1959, which reflects that [redacted] was interviewed on April 1, 1959, at his residence by Special Agents [redacted] and [redacted]. The results of the interview are set forth.

There are attached hereto affidavits submitted by Special Agents [redacted] directly responsive to the allegations made by [redacted] to SPENCER COKE.

MICHAEL CHARLES ILLIS - SPENCER COKE stated that in October, 1958, ILLIS came to his office and complained that he had been interviewed by FBI Agents in June of 1958, who had talked to him on the street regarding the Socialist Workers Party. ILLIS had no complaint regarding the interview conducted by the Agents, but alleged that following the interview the Agents had gone to the BANKERS LIFE AND CASUALTY COMPANY, by whom he was employed, in August, and they furnished information regarding his Socialist Workers' activity to his supervisor, [redacted] and told him that BANKERS LIFE AND CASUALTY COMPANY should not employ ILLIS. COKE stated he was not particularly impressed with ILLIS, but that he had called [redacted] on the phone and asked him about the allegation, and [redacted] had said he would not confirm or deny ILLIS' statement. COKE said he then wrote a letter to [redacted] regarding the matter, and that [redacted] never answered the letter.

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b7C

COKE stated he would not have called this matter to the attention of the FBI had it not been that subsequent complaint came in on [redacted] both of which involve Special Agent [redacted] and therefore he has called the ILLIS matter to our attention at this time.

I informed SAWYER and COKE that the allegation made by ILLIS was completely false; that the FBI did not go to ILLIS' employer and advise him that he should not employ ILLIS further.

EH 100-1610

SAWYER then stated that he was concerned that perhaps Agents, in conducting inquiries, might accidentally make some statement which would indicate to an employer the nature of the investigation being conducted, and that this would result in the employer's getting the impression that the employee was engaged in activities which were improper, thus resulting in his being discharged.

I told SAWYER that this was not the case; that it is a very strict Bureau policy that we avoid any such incident as he described.

The Bureau's attention is called to file number 100-390622 which reflects in the report of Special Agent [redacted] dated April 15, 1938, that ILLIUS was interviewed on April 3, 1938. At that time he was employed by the HOME MUTUAL CASUALTY COMPANY, Philadelphia, Pa. ILLIUS had not been interviewed since that time.

In September, 1938, Mr. [redacted] HOME MUTUAL CASUALTY COMPANY, advised that he had fired ILLIUS on April 10.

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On September 10, Mr. [redacted] WHITE CROSS BANKERS LIFE AND CASUALTY COMPANY, advised that ILLIUS had been under consideration for employment as a salesman "but will not be hired." At that time he indicated that ILLIUS was unemployed and resided at 225 South 42nd Street.

Our lead which led to the interview of [redacted] was obtained from Mr. [redacted] who, on September 10, stated that ILLIUS "is seeking employment with the WHITE CROSS INSURANCE COMPANY," by which name the WHITE CROSS BANKERS LIFE AND CASUALTY COMPANY is commonly known.

Affidavit of Special Agent [redacted] who interviewed [redacted] is attached.

Both COME and SAWYER gave the impression following their contact that they were satisfied with the Bureau's proper action in these cases, and they indicated that because

NY 100-1035

of the aims and objectives of the ACLU, people do from time to time come to them and make complaints regarding actions which they believe to be improper, and I informed these gentlemen that if allegations are made regarding improper actions on the part of the FBI, I would welcome their coming to the FBI and advising us of any allegations of this type.

In view of the contents of the affidavits submitted by Special Agents [redacted] and [redacted] it appears that their actions in handling these interviews were proper.

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b7C

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: May 11, 1959

FROM : Mr. J. J. Middleton *JJM*

Tolson _____
 Belmont _____
 DeLoach _____
 McGuire _____
 Mohr _____
 Parsons _____
 Rosen _____
 Tamm _____
 Trotter _____
 W.C. Sullivan _____
 Tele. Room _____
 Holloman _____
 Gandy _____

SUBJECT: [REDACTED]

MISCELLANEOUS - INFORMATION CONCERNING

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b7C

At 9:25 p.m., 5-11-59, [REDACTED] La Mesa, California, called and wanted to know if the American Civil Liberties Union was a subversive or loyal American organization. He was told that information in the files of the FBI is maintained as confidential and available for official use only in accordance with a regulation of the Department of Justice. He was advised that the Committee on Un-American Activities, U. S. House of Representatives, had published a "Guide to Subversive Organizations and Publications," which could be obtained from the U. S. Government Printing Office, Washington, D. C., at a nominal cost.

Bureau files contain no identifiable information regarding [REDACTED] based on the available background data.

RECOMMENDATION:

None. File.

1 - Mr. Belmont
 1 - Mr. Middleton

JJM:mtb
 (3)

EX 109

REC-44

MAY 13 1959

62 MAY 19 1959

SAC, Phoenix

May 21, 1959

Director, FBI (61-190)

AMERICAN CIVIL LIBERTIES UNION
INFORMATION CONCERNING
(INTERNAL SECURITY)

Reference is made to the picture of three of the newly-elected officers of the Phoenix Chapter of the American Civil Liberties Union which appeared on page 20 of the 5-8-59 issue of the "Phoenix Gazette," a Phoenix, Arizona, newspaper which was sent from your office.

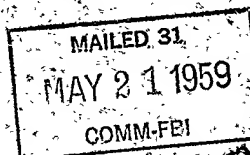
You are instructed to review the files of your office on the five individuals mentioned in the write-up beneath this picture and furnish the Bureau a summary of all information of a derogatory subversive nature concerning them. No active investigation should be conducted in this matter and no informants should be contacted. This inquiry should be restricted solely to a check of the indices and the files of your office.

JHK:fkp
 (4)

REC-33

61-190-763

4 MAY 22 1959



Tolson _____
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 McGuire _____
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 Trotter _____
 W.C. Sullivan _____
 Tele. Room _____
 In. _____

ENCLOSURE
 60 MAY 28 1959
 MAIL ROOM ☐ TELETYPE UNIT ☐



Gazette Staff Photo

NEW CIVIL LIBERTIES UNIT HERE

Officers of newly-organized Phoenix Chapter, American Civil Liberties Union, are (from left) Gene Michaud, 801 E. Pasadena, president; Mrs. Jay Dushoff, 809 E. Keim, corresponding secretary, and Harold Goldman, 1628 W. Fillmore, treasurer. Not present when picture was taken were Dr. Glenn Auslin, vice president, and Mrs. Alice Grailcourt, recording secretary.

Phoenix, Arizona

RE: AMERICAN CIVIL
LIBERTIES UNION
INFO CONCERNING

PHOENIX, GAZETTE
PHOENIX, ARIZONA
5-8-59, P. 20

62-0-

ENCLOSURE

61-190-763

Let to Phoenix
5/21/59
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61-190-765

CHANGED TO

121-19078-11X1

APR 13 1960

OB/df

C

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. W. Belmont *AWB*

DATE: May 19, 1959

FROM : Mr. F. J. Baumgardner *FJB*

SUBJECT: SECURITY INVESTIGATIONS OF INDIVIDUALS

Tolson _____
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 W.C. Sullivan _____
 Tele. Room _____
 Holloman _____
 Gandy _____

SYNOPSIS:

New York airtel 5/15/59 advised an attorney for American Civil Liberties Union named Watts contacted Tom Kerry, organizer, New York Local of Socialist Workers Party (SWP), Trotskyite organization, and requested detailed information re FBI harassment and intimidation during contacts with various members and sympathizers of SWP. Watts has been in touch with "other groups" seeking similar information and it appears he may be planning to launch an attack on the Bureau's interview programs.

Watts undoubtedly identical with Rowland Watts, Maryland attorney and conscientious objector, who became national secretary of Workers Defense League (WDL) in 1947, a defense organization for the Socialist Party. In 1955 Watts prepared a 250-page report criticizing the Army security system. This study sponsored in part by the Ford Foundation's Fund for the Republic.

Our interview programs are sound and we can fully justify interviewing subversives. However, criticism even though unjustified can lend impetus to the smear campaign against the Bureau and the over-all attack against the Government security programs. We have examined these programs in order to determine whether we should take any steps at this time to curtail the number of interviews we are conducting. We are conducting interviews today under the following broad programs: General interview program under which we interview subjects of security cases and Security Index subjects, the Toplev and Security Informant Programs under which we conduct interviews for the purpose of developing informants, and the Communist Index Program which was inaugurated on 10/2/58 wherein a large number of interviews are being conducted under SAC authority.

All of these programs have been highly successful, not only in developing informants but also in producing intelligence data concerning various subversive movements. In addition, they have had a disruptive effect on the communist movement. While these programs are essential and have been successful over the years and must be continued if we are to fully discharge our basic responsibilities in the internal security field, it is believed we should take steps at this time to eliminate possible areas of criticism.

Enclosure

100-150000

100-150000

100-150000

100-150000

100-150000

100-150000

60 JUN 22 1959

1 - Mr. []

1 - Mr. []

161-190
 NOT RECORDED
 102 JUN 17 1959

24 JUN 15 1959

b6
 b7C

ORIGINAL FILED IN 100-150000-22

Memorandum for Mr. Belmont
Re: SECURITY INVESTIGATIONS OF INDIVIDUALS
100-358086

After considering our programs, we find we can add greater control and cut down on the number of interviews being conducted by requiring the field to secure prior Bureau authority before any interview is conducted under the Communist Index Program. This is a desirable step at this time since the individuals being interviewed under this program cannot be shown to be current members of a subversive organization. In addition, it is believed that we should apply the same controls to interviews with former members of the Independent Socialist League who are on the Security Index since many of these individuals have now joined the Socialist Party which is not a subversive organization and which we have not investigated.

RECOMMENDATIONS:

1) If you agree, there is attached a proposed airtel to Albany, copies to all offices, instructing that interviews of Communist Index subjects and interviews of subjects who are included in the Security Index based on affiliation with the Independent Socialist League are to be conducted only with Bureau authority. Further, that interviews with Security Index subjects are to be conducted in a most circumspect manner so as to avoid any embarrassment to the Bureau.

WJH.

It is recommended this memorandum be routed to Assistant Attorney General in order that he may consider contacting his sources in the American Liberties Union in an effort to obtain more detailed information regarding the current inquiries relative to FRI interviews. It should be brought to bear through these sources to curtail their activities in this connection on behalf of the American Liberties Union.

Ch

V.

WJH.

WJH.

Memorandum to Mr. Belmont

RE: SECURITY INVESTIGATIONS OF INDIVIDUALS
100-858086

b7D

DETAILS:

New York Office by airtel 5-15-59 captioned "NY Local Socialist Workers Party, Internal Security - SWP" advised that a high echelon attorney for the American Civil Liberties Union named Watts had recently been in contact with Tom Kerry, organizer of the New York Local of the Socialist Workers Party (SWP), a trotskyite organization. According to New York informant [redacted] Kerry indicated that Watts desired detailed information in regard to FBI harassment and intimidation during contacts with members and sympathizers of the SWP in regard to their political beliefs. Kerry further stated that Watts has been in touch with "other groups" seeking similar information. Watts was particularly interested in any possible FBI intimidation or harassment which might result in an individual loss of employment.

It is believed that Watts is identical with Rowland Watts who is well known to the Bureau.

Background of Rowland Watts:

closed

He is the subject of files 100-41 [redacted] and 47-89142. These files disclose that Watts was born in Baltimore, Maryland, 11-17-19. He received his LL.B degree from University of Baltimore in 1938 and was admitted to the Maryland Bar. From 1938 to 1942, he engaged in private law practice in Maryland. In 1942, he became president of the Maryland Council for Conscientious Objectors and represented other conscientious objectors in court. In 1942, he was committed for six months to a conscientious objectors camp in Maryland. From this camp he was transferred as a conscientious objector worker to the Connecticut State Hospital for the mentally insane for two and one-half years, this assignment being terminated in December, 1945. In February, 1946, he started his employment with the WDL. In 1947, he was national secretary of that organization. The WDL has been a defense organization for the Socialist Party. In the Spring of 1947, the FBI conducted an investigation concerning Rowland Watts and two of his associates in the WDL who allegedly represented themselves as FBI Agents while conducting investigations for the League regarding forced labor conditions in the State of Florida. When interviewed by Agents of this Bureau, Watts and his associate, [redacted] representing themselves as FBI Agents, on 5-27-59, Assistant U.S. Attorney declined a prosecution as to Watts and his associates because in his opinion there was insufficient evidence.

Memorandum to Mr. Belmont
RE: SECURITY INVESTIGATIONS OF INDIVIDUALS
100-358086

In August, 1955, Watts completed what was described as the comprehensive study of the Army's security program for draftees in which the program was attacked by Watts as unjust, wasteful and against Army traditions. Watts' study was sponsored in part by the Ford Foundation's Fund for the Republic with support from the WDL. Following publication of Watt study on the Army security system, a five-page memorandum concerning background information on Rowland Watts was furnished to the Attorney General on 9-15-55.

The current inquiries being conducted by Rowland Watts with the SWP officials and "other groups" may be preparatory to attacking the interview programs of the FBI.

Our Interview Programs:

At the present time, we have several programs under which we interview subversives. Under general interview program we interview subjects of security cases and Security Index Subjects. We also conduct interviews with subversives under our Security Informant Programs (Toplev and Security Informant Program) for the purpose of developing informants. By letter to all field offices 10-2-58 we inaugurated the revised Communist Index Program wherein a large number of interviews are being conducted under SAC authority.

These programs have met with outstanding success and as an example, our two highest ranking informants in the Party today were developed through such interviews. The interview program is, of course, by far our major source of informants. We have obtained voluminous intelligence information through these interviews which have not only produced informants and resources security investigations but also has had a disruptive effect on the Party itself. For years the Party and sympathetic front groups have kept up a running attack on the FBI through media of the Communist Party (CP) press due to our interview programs. While our interview programs have been unqualified successes and must be continued if we are to fully discharge our basic responsibilities in the internal security field, it is believed desirable at this time to take steps to eliminate possible interference in connection therewith, particularly in view of the recent publicity given to our interviews by our security programs.

Memorandum to Mr. Belmont
RE: SECURITY INVESTIGATIONS OF INDIVIDUALS
100-358086

Instructions to the Field:

A proposed airtel to all offices is attached instructing that no interviews are to be conducted under the Communist Index Program and that no interviews are to be conducted with Security Index subjects included thereon because of membership in the Independent Socialist League without specific Bureau authority. This airtel further cautions the field to be most circumspect in handling any interview with a security subject.

Possible Curtailment of Rowland Watts Activities:

From the information furnished in referenced New York airtel 5-15-59, Rowland Watts may be conducting his inquiries on behalf of the American Civil Liberties Union. It is possible that through FBI contacts in the American Civil Liberties Union that more detailed information could be obtained regarding Watts' current inquiries and possibly some pressure might be brought to bear to curtail or stop Watts' activities in this regard. It is suggested that this memorandum be routed to Assistant Director DeLoach with instructions to contact his Bureau sources in the American Civil Liberties Union and see what can be done in this connection.

42

Office Memorandum • UNITED STATES GOVERNMENT

7 *FROM:* SAC, *NEW YORK* (Your file)

DATE: *5/20/59*

TO: Director, FBI (Bufile & serial *61-190*)

SUBJECT: *AMERICAN CIVIL LIBERTIES UNION*
REBULET 4/23/59

Office of Origin:

1. () The deadline in this case has passed and the Bureau has not received a report. You are instructed to submit a report immediately. In the event a report has been submitted, you should make a notation of the date on which it was submitted on this letter and return it to the Bureau, Room # _____.

Report submitted _____

LETTER

Report will be submitted *5/29/59*

Reason for delay _____

100-110759

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 21 1959	
FBI - NEW YORK	

*b6
b7C*

2. () Advise Bureau re status of this case.
3. () Advise Bureau when report may be expected.
4. () *LET* Surep immediately.

Place your reply on this form and return to the Bureau. Note on the top serial in the case file the receipt and acknowledgment of this communication.)

61-190

FIVE
6123 JB

Founded 1920 1959—our 40th year!

AMERICAN CIVIL LIBERTIES UNION INCORPORATED

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170 Fifth Avenue, New York 10, N.Y. • Oregon 5-5990

b6
b7c



A Negro and a white man in Bessemer, Ala., were sentenced to six months in jail for making a poster from this newspaper cartoon.

Asbury Howard, a Negro civic leader, was convicted on grounds that the poster would "provoke a breach of the peace." He is serving his sentence on a prison road gang. Albert McAllister, the white signpainter who made the poster, is in jail.

As Mr. Howard, 52, left the courtroom he was severely beaten by a group of white men inside Bessemer City Hall, while police looked on. Only one man was arrested — for "disorderly conduct" — the victim's son who had attempted to defend his father.

This flagrant violation of the First Amendment right to free expression of opinion was a call to action for the AMERICAN CIVIL LIBERTIES UNION.

At the ACLU's request the Justice Department is investigating the beating, under federal civil rights statutes. The Union is seeking to arouse public concern by publicizing the whole affair. ACLU Staff Counsel will participate in the appeal.

The defense of civil liberties takes new forms but never ends. We either protect the gains we have won or risk losing them.

The ACLU defends the right of everyone to exercise the privileges of citizenship guaranteed by the Bill of Rights. It acts in the courts, the legislatures, and in the forum of public opinion. It now has 25 affiliates at work on civil rights at the state and local level. Its membership is at an all-time high of 45,000.

To insure the continuation of this defense of freedom we need and welcome the support of every American whose devotion to civil liberties is not qualified by adherence to Communist, Fascist, KKK or other totalitarian doctrine. YOU are needed.

I hope you will become a \$10 member, but in any event JOIN — with whatever dues you can afford. When you mail the envelope above you will be affiliating yourself with thousands who, like you, believe in keeping America a home of freedom.

ALL MEMBERS RECEIVE: a membership card-receipt, Civil Liberties nine times a year, and our 112-page ANNUAL REPORT ON U.S. LIBERTIES.

Sincerely yours,

Patrick Murphy Malin
Executive Director

See over for complete list of ACLU Board and National Committee

ENCLOSURE

If you are already a member you will understand that list duplication is sometimes inevitable. You could help the Union most by using this letter and enclosure to persuade a friend to join.

61-190

The New York Times

"The A.C.L.U. . . . has been indispensable in investigating violations of civil liberties, in publicizing them and in working through the channels of public opinion and of the law to see that our constitutional principles as expressed in the Bill of Rights remain a living force . . ."

The Washington Post Times Herald

"The ACLU . . . has proven, over the years, that it knows and understands what true Americanism means."

THE DENVER POST

"The ACLU has stood firmly against waves of near-hysteria that have threatened, at times, to sweep away long treasured civil liberties of free speech, fair trial and equality before the law of all citizens in this country."

New York Herald Tribune

"The American Civil Liberties Union has won for itself an acknowledged role as watchdog of the citizen's liberties . . ."

THE CHRISTIAN SCIENCE MONITOR

"I do not agree with a word you say," said Voltaire, "but will defend to the death your right to say it." It would be hard to find a more searching test of the genu-

ineness of democratic sentiments than is implicit in this famous dictum. And it would be equally hard to find an organization that subjects itself to this test more often and more willingly than does the American Civil Liberties Union . . ."

San Francisco Chronicle

"Both locally and nationally, the ACLU has functioned effectively for the preservation of the Bill of Rights. That is its only function. In defending the rights of those who happen to be in danger of having them violated or denied, the ACLU defends the rights of all Americans . . ."

ST. LOUIS POST-DISPATCH

"The ACLU has established its fearlessly independent reputation, and particularly its freedom from Communist control, by . . . years of evenhanded defense of a principle—the freedom of principle of the Bill of Rights . . ."

The Des Moines Register

"The Civil Liberties Union . . . has defended the rights of free speech, free press, religious freedom, and academic freedom for all sorts of political groups and individuals—including race-baiters, semi-fascists, Communists, and other reactionaries as well as liberals . . ."

Durham Morning Herald Durham, N. C.

"The ACLU's mission is to fight for the preservation of the fundamental rights guaranteed by the Constitution of the United States, and it is a fight that's never won . . ."

CHICAGO DAILY NEWS

"In its long history the ACLU has befriended persons of all shades of political and religious opinion . . . It would be a grave injustice to leap to the conclusion that insistence upon civil rights for alleged Communists, any more than for alleged murderers, indicates the slightest sympathy for unpatriotic or antisocial behavior. Concern for free speech, equal treatment under the law, and a fair trial before conviction is the essence of Americanism, the opposite of Communist tyranny. If this country ever acquiesces in a denial of civil rights to its humblest or most degraded citizen, it has taken a step on the road to despotism."

Bergen Evening Record

Hackensack, N. J.

"If the battle for democracy in the United States is ever lost it will be lost, in a manner of speaking, over the dead body of the American Civil Liberties Union . . ."

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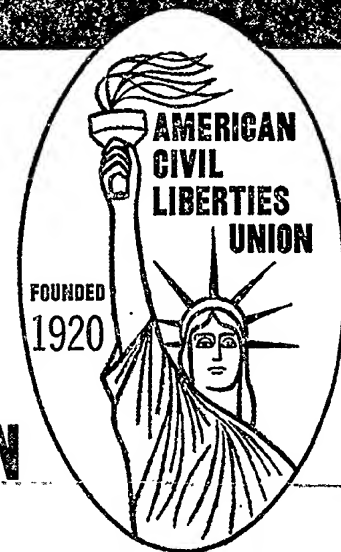
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Mark DeW. Howe (Mass.)
Quincy Howe (N.Y.)
Robert M. Hutchins (N.Y.)
Gerald W. Johnson (Md.)
Mordecai W. Johnson (D.C.)
James Kerney, Jr. (N.J.)
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Mrs. Dorothy Tilly (Ga.)
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William W. Waymack (Iowa)
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Twenty-five ACLU Affiliates
in Twenty-one States

WHATEVER YOUR SCORE

you have an interest
in civil liberties!

Protect it by joining
AMERICAN CIVIL LIBERTIES UNION



The ACLU is the only permanent national non-partisan organization devoted solely to defending the Bill of Rights for *everybody*. The Union fights for the civil liberties even of those whose anti-democratic opinions it abhors. But the ACLU bars from its governing councils all adherents of all totalitarian doctrines.

Today the ACLU with its Board and National Committee of leaders in every field, its twenty-four state and city affiliates (and their many sub-chapters), its corps of volunteer lawyers, and its experienced staff, is engaged primarily on four fronts. YOU have a stake in the American Civil Liberties Union's fight in these four areas, among others:

- AGAINST those indiscriminate federal, state and local measures which, though aimed at Communists, threaten the civil liberties of all Americans.
- TO ELIMINATE second-class citizenship for Negroes, Puerto Ricans, American Indians and other minorities.
- AGAINST both governmental and private pressure group censorship of movies, plays, books, newspapers, magazines, radio, and television.
- TO PROMOTE fair procedures in court trials, congressional and administrative hearings.

The ACLU needs and welcomes the support of all those—and only those—whose devotion to civil liberties is not qualified by adherence to Communist, Fascist, KKK, or other totalitarian doctrine.

YOU ARE NEEDED TOO—as a member of the ACLU. The Union depends on its 45,000 members (our enrollment has doubled in the past five years) for its entire support. To meet the challenge of the times, we need 10,000 new members this year. **USE THE MEMBERSHIP BLANK BELOW** to become a \$10 member, if possible, but **JOIN**—whatever dues you can afford. You will be affiliating yourself with an important organization, and you will have a part in keeping America a home of freedom.

FREE TO ALL NEW MEMBERS:

The ACLU's authoritative Annual Report on U.S. civil liberties.

ACLU members of the following classifications receive *Civil Liberties* each month and the Union's Annual Report on U.S. liberties, and are entitled to single copies of some 25 pamphlets currently available:

PARTICIPATING MEMBER	\$100
COOPERATING MEMBER	\$50
SUSTAINING MEMBER	\$25
SUPPORTING MEMBER	\$10
CONTRIBUTING MEMBER	\$5

Associate Members at \$2 receive *Civil Liberties* and the Annual Report. Weekly bulletin is available on request to contributors of \$10 and over. Members living in the following states and city areas also belong to the respective local ACLU organization, without payment of additional dues: *Southern California, Colorado, Connecticut, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, Wisconsin, and Buffalo, Detroit, Lansing, New York, Philadelphia and St. Louis*. If you live in one of these areas, your chapter will automatically receive a share of your contribution. (The same plan applies to all new branches organized.) The more you give, the larger its share. *Be as generous as you can!*

All members vote in the annual election of the Union's National Committee.

AMERICAN CIVIL LIBERTIES UNION
National Office
170 Fifth Avenue, New York 10, N.Y.

Please enroll me as a NEW MEMBER of the ACLU.

Here is my \$..... membership contribution, 50¢ of which is for a one-year subscription to *Civil Liberties*.

PLEASE PRINT CLEARLY

NAME

ADDRESS

CITY ZONE STATE

Occupation

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ENCLOSURE

TWENTY QUESTIONS ON CIVIL LIBERTIES

You believe in the Constitution and the Bill of Rights—but how do *you* feel they should be interpreted today, in times of domestic complexity and world tension? The framers of this quiz realize that these short statements may not pose the issues with absolute impartiality, but it should tell you where you stand on many of the American Civil Liberties Union's policies (which were not all adopted unanimously by the ACLU Board—it seldom agrees 100% on any question.)

To check whether you and the ACLU agree on the statements below, put a circle around Y (for YES) if you agree; if you do not agree, circle N (for NO).

1. Government employees accused of disloyalty should have the right to know the sources of information against them and to cross-examine their accusers... **Y N**
2. Police and other censors should be allowed to ban books and movies such as "Ten North Frederick" or "Baby Doll."... **Y N**
3. Personal ability alone should determine employment, regardless of the applicant's race, religion or national origin. **Y N**
4. The teaching of sectarian religion should be permitted in public schools. **Y N**
5. The character of a soldier's Army discharge should be based solely on his active duty record, rather than on his pre-induction political associations. **Y N**
6. State universities are justified in using a quota system to limit enrollment by members of certain racial and religious groups. **Y N**
7. Gerald L. K. Smith and William Z. Foster should have the same right to make public speeches as other political leaders. **Y N**
8. Trade unions are entitled to restrict their membership on the basis of color, religion or national origin. **Y N**
9. Any private individual should have the right to criticize any government or government official anywhere in the world. **Y N**
10. Police officials should have the right to listen in on private phone conversations. **Y N**
11. Employers should be permitted to state their views regarding labor unions to their workers. **Y N**
12. Movies, plays and books should be suppressed if they present an offensive characterization of a particular racial or religious group. **Y N**
13. Everyone who claims the privilege against self-incrimination when asked if he is a Communist must be one. **Y N**

14. Labor's right to picket includes the right to deny access to struck plants by force of numbers. **Y N**
15. Segregation in public schools violates the equal protection of the laws guaranteed to all Americans by the 14th Amendment. **Y N**
16. Everyone has the right to leave any country, including his own, and to return to his country. **Y N**
17. Congress should investigate political beliefs and associations in order to determine whether they are "un-American". **Y N**
18. The Post Office is justified in refusing to deliver unidentified foreign propaganda material to certain addressees. **Y N**
19. Tests of government employees' loyalty should be confined to sensitive positions involving military, atomic or international affairs. **Y N**
20. Public school and college teachers should be required to sign a special non-Communist loyalty oath. **Y N**

PLAY FAIR—DON'T CHECK YOUR SCORE UNTIL YOU ANSWER ALL TWENTY QUESTIONS. In the ACLU's opinion, you get 5 POINTS each for answering YES to numbers 1, 3, 5, 7, 9, 11, 15, 16, 19; and 5 POINTS each for answering NO to numbers 2, 4, 6, 8, 10, 12, 13, 14, 17, 18, 20.

IF YOU SCORE 75 OR MORE

then you agree substantially with the American Civil Liberties Union.

it means you belong in spirit to the ACLU.

put your belief in civil liberties to work by joining the one national organization which fights—52 weeks a year—for the liberties you cherish. Use membership blank on the other side of this quiz.

WHATEVER YOUR SCORE, SEE OVER

AMERICAN CIVIL LIBERTIES UNION

Founded 1920

National Office: 170 Fifth Avenue, New York 10, N. Y.

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General Counsel

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Adviser, International Work

DOROTHY D. BROMLEY
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Vice-Chairmen, Board of Directors

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Executive Director

ROWLAND WATTS
Staff Counsel

SAVE THIS QUIZ TRY IT ON YOUR FRIENDS

"The American Civil Liberties Union is, or ought to be, the favourite watchdog of the American liberal. It is a hungry but faithful beast, unhappily dependent on middle class professional people, who are long on idealism and short on money . . .

"Should an American college dare to resist a 'loyalty oath' demanded by a powerful alumnus, A.C.L.U. will come padding across the campus to snap at his heels. Does a newspaperman wish to go to China or Hungary over the hurdle of the State Department's ban, Old Faithful will give him a boost . . ."

—Alistair Cooke, of TV's "Omnibus" fame, in the *Manchester Guardian*, the renowned British newspaper.

1 - Mr. Belmont
1 - Mr. Baumgardner
1 - Mr. [redacted]

b6
b7c

May 20, 1959

Honorable M. T. Phelps
Chief Justice of the
Supreme Court
Phoenix, Arizona

My dear Judge:

I have received your letter dated May 11, 1959, with its enclosure, and the concern which prompted your communication is appreciated.

In view of the contents of your letter, I am instructing the Special Agent in Charge of our Phoenix Office to contact you in the near future.

It is indeed gratifying to receive your kind personal remarks and to know that I have the support of such outstanding citizens as yourself who are actively interested in the welfare of our nation.

Sincerely yours,
L. Edgar Hoover

2 - Phoenix (enclosures - 2) PERSONAL ATTENTION

NOTE TO SAC, PHOENIX

Enclosed are two copies of correspondent's communication. The enclosure to correspondent's letter consisted of a clipping from the "Arizona Republic" dated May 8, 1959, captioned "Supreme Court Role Educational," Civil Liberties Chapter Here Told." The article refers to Frank's speech before the Phoenix Chapter of the American Civil Liberties Union (ACLU) in which he praised the work of the Supreme Court in the field of race, relations and criminal procedure.

NOTE TO PHOENIX, CONTINUED, PAGE TWO

BAUMGARDNER TO BELMONT, 5-19-59, CAPTIONED "JOHN PAUL FRANK, INFORMATION CONCERNING, (INTERNAL SECURITY)," RDS:pw.

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McGuire _____
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Trotter _____
W.C. Sullivan _____
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Honorable M. T. Phelps

NOTE TO PHOENIX, CONTINUED

Bufiles contain no identifiable derogatory data concerning Justice Phelps. He was the victim of an extortion case in 1948; however, the writer of the threatening letter was not identified. (Phoenix file 9-85, Bufile 9-15-562)

John Paul Frank was the subject of Departmental applicant investigation in 1944. In his application he indicated membership in the ACLU and the National Association for the Advancement of Colored People (NAACP). An allegation was received during the investigation he was procommunist; however, the investigation failed to substantiate this allegation or confirm his membership in the above organizations. A Loyalty of Government Employees Preliminary Inquiry was instituted in 1949 concerning his employment as consultant to the Office of the Secretary, Department of the Interior. This case was not converted to full-field investigation as inquiries did not substantiate the allegation of communistic or disloyal tendencies on the part of Frank. Bufiles do not reveal membership of Frank in the National Lawyers Guild (NLG) although in 1951 he spoke before the Yale Student Division of the NLG and discussed Supreme Court decisions dealing with segregation. (77-30870)

The ACLU has not been investigated by the Bureau. The Los Angeles Chapter of the ACLU has circulated a petition calling for the abolition of the House Committee on Un-American Activities and the Seattle Chapter has recommended an investigation of the FBI. (61-190)

You are instructed to personally contact Chief Justice Phelps and advise him that information in the files of the FBI is maintained as confidential and available for official use only in accordance with a regulation of the Department of Justice. In the event your files do not contain information concerning Phelps indicating such action may be inadvisable, you may further advise him that I have authorized you to state for his strictly confidential information that Frank has not been the subject of an investigation since 1949 and we are, therefore, unable to furnish any information concerning the current activities and affiliations of Frank. Frank was, however, the subject of applicant-type investigations in 1944 and 1949. These investigations did not disclose he was a member of the NLG or any subversive organization. On his application for Federal employment in 1944, Frank did admit he was a member of the ACLU and the NAACP. It should be made perfectly clear that

NOTE TO PHOENIX, CONTINUED, PAGE THREE

Honorable M. T. Phelps

NOTE TO PHOENIX. CONTINUED

this data is furnished for Chief Justice Phelps' confidential information, the FBI should not be disclosed as the source of this information and that this data should not be construed as a clearance or nonclearance of Frank by the FBI.

You should promptly advise the Bureau of the results of this contact with Chief Justice Phelps, making reference to this communication.

Supreme Court

STATE OF ARIZONA

Phoenix

CHIEF JUSTICE
M. T. PHELPS

JUSTICES
FRED C. STRUCKMEYER JR.
LEVI S. UTALI
J. MERCEUR J. HINSON
CHARLES C. HERNST

Mr. Rosen
Mr. McHugh
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Sullivan
Mr. Trotter
Mr. Sullivan
Tele. Room
Mr. Holloman
Miss Gandy

MAY 14 1959

May 11, 1959

PERSONAL

Mr. J. Edgar Hoover
Federal Bureau of Investigation
Washington, D.C.

Dear Mr. Hoover:

In the May issue of the Arizona Republic there appeared an news item concerning the organization of a Phoenix Chapter of the American Civil Liberties Union, a copy of which I am enclosing herewith.

One of our leading young attorneys, Mr. John Frank, who at one time was the lawclerk of Justice Hugo Black, addressed the organization and I suspect was the prime mover in its organization here.

The reason I entertain this suspicion is that Mr. Frank wrote a book within the past year entitled "the Marble Palace" which was a story of the functions and operations of the Supreme Court and a penpicture of the personnel of the Court at the time he was there, with comment upon others who have since been appointed to that court. Some two or three months ago Mr. Frank reviewed his book before a rather large group of women in Phoenix at which my wife was present. At this meeting he gave an appraisal of the members of the Court; only two of whom I now recall, one was concerning Justice Warren in which he said that Mr. Warren would go down in history as the greatest Chief Justice in the history of the nation. Of course, he praised Justice Black most highly but he stated with reference to Justice Clark that he said at the time of his appointment that he was, in his opinion, about the worst appointment that was ever made to the Court but, that he was now satisfied that he was mistaken, he was, in fact, the worst appointment that was ever made to the Court. As you know, Justice Clark is perhaps the most conservative member of the Court. That, of course, in the opinion of Mr. Frank, is the reason for the diminution of his stature by Mr. Frank. A reading of the enclosed article will give you some idea of his philosophy. You will observe that he approves wholeheartedly the decisions concerning communism in this country, and in my conversations with

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Memo Baumgardner
to Belmont
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Let to Phelps
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Mr. J. Edgar Hoover

-2-

May 11, 1959

him he speaks of communism as being a political philosophy which, of course, is the basis upon which the Supreme Court arrived at its decisions in the communist cases. I cannot agree that it is a political philosophy - I think it is an international conspiracy that can in nowise be tortured into a philosophy of political science.

The reason I am writing you this information is not to involve Mr. Frank, but for the purpose of information. I would like to know if he is in anywise associated with the Lawyers Guild of America? A subcommittee of the United States Senate recently made a report on the Lawyers Guild and stated that their primary channel of operation was through the American Civil Liberties Union. If you have any information concerning this and can give me the information, I should like to know for my own satisfaction. If it is contrary to your practice, then, of course, I would not expect it.

I have always had a very great admiration for you because of the high quality of service you have rendered to your country during the many years you have served it.

Sincerely,

MTP:r

Friday, May 8, 1959

Supreme Court Role 'Educational,' Civil Liberties Chapter Here Told

The basic function of the U.S. Supreme Court is educational, the Phoenix chapter of the American Civil Liberties Union was told here last night.

John P. Frank, Phoenix attorney and author, described the relationship of the court to civil liberties, and praised Chief

Justice Earl Warren as "about the best thing that has happened to the court in a long time."

Frank, who was law clerk to Justice Hugo Black, and has written extensively on constitutional law and the court itself, said the court provides "moral leadership."

BUT THEN, he continued, it

remains the "grass roots" job of each American to carry forth the moral and educational leadership provided by the court.

"The court plays a substantial part in civil rights," Frank continued, "but the job is our job, and we can't wish it off on a big brother somewhere else."

"The court gives the examples and then relies on others to move forward," he said.

Addressing a dinner meeting of the new Phoenix chapter in Toy's Shangri-La, 1575 E. Camelback, Frank said the high court's basic function becomes educational because of the great number of cases that start in state and federal courts yearly, and the fact that relatively few are heard by the supreme court.

HE ESTIMATED that between 1 million and 2½ million cases are started yearly in state courts, and 147,000 in federal courts. Of all these, perhaps 1,600 yearly are presented to the supreme court for hearing. Of these, the high court will rule on 125.

The job then passes on to the lower court, and the people, Frank said.

Frank described the attitudes of each of the present justices toward civil liberties:

Warren: dedicated to civil liberties; Black: all-out civil liberty point of view; William O. Douglas: along with Black, takes the most extreme (favorable) view toward civil liberties; Tom C. Clark: least libertarian on matters of civil liberties; John M. Harlan: conservative slant; Charles E. Whittaker: conservative; Potter Stewart: the opposite of the avant garde; and William J. Brennan Jr.: generally with the most stalwart liberals.

FRANK PRAISED the work of the court in the field of race relations and criminal procedure.

Recent criticism of the court he laid to those opposing segregation, and those protesting the courts decisions on matters of civil liberties.

"This has resulted in the marriage of people like Senator Eastland (D-Miss) and George Sokolsky," Frank said.

Geno Michaud was elected the first president of the chapter's board of directors. Other officers are Dr. Glenn Austin, vice president; Harold Goldman, treasurer; Mrs. Alice Grall, court recording secretary; and Mrs. Margo Dushoff, corresponding secretary.

They, along with Wayne Horvitz, Ed Korrick, the Rev. Arthur Olsen, Robert Frank, and Dr. Monroe Green were elected to the board.

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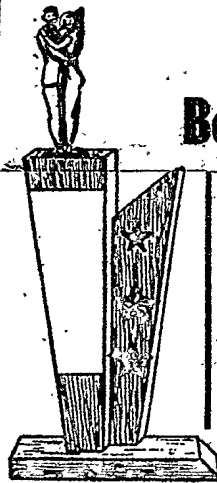
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1 Mr. [redacted]

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b7C

May 26, 1959

REC-10

61-190-769

[redacted]

Gridley, California

b6
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Dear Mr. [redacted]

Your letter dated May 16, 1959, has been received, and the interest which prompted your communication is indeed appreciated.

While I would like to be of assistance, the function of the FBI as a fact-gathering agency does not extend to furnishing evaluations or comments concerning the character or integrity of any individual, publication or organization. Furthermore, information in the files of this Bureau is maintained as confidential and available for official use only in accordance with a regulation of the Department of Justice. I regret, therefore, that I am unable to comply with your request for information. I am also unable to suggest a source from which this information can be obtained.

I am sure you will understand the necessity for this policy and will not infer from my inability to be of assistance that we do or do not have in our files the information you desire.

Sincerely yours,

J. Edgar Hoover

MAILED 5
MAY 26 1959
COMM-FBI

John Edgar Hoover
Director

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1 - San Francisco

SEE NOTE TO SAN FRANCISCO, PAGE TWO

SEE NOTE ON YELLOW, PAGE TWO

- Tolson _____
- Belmont _____
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- Mohr _____
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- Tele. Room _____
- Holloman _____
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[Handwritten signature]

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ATTENTION: SAC, SAN FRANCISCO

Correspondent advises he is interested in obtaining proof that the American Civil Liberties Union (ACLU) is a communist front and requests he be advised when and by whom the organization was first founded and also the "proven information" of its communist front activities. If the Bureau cannot furnish this information, he requests his letter be referred to the proper agency or person. He states he is "faced with answering through the papers" the false statements of the ACLU.

The ACLU has not been the subject of an investigation by the FBI and the Bureau has been on friendly terms with its executive director, Patrick Malin. The Los Angeles chapter has circulated a petition calling for the abolition of the House Committee on Un-American Activities and the Seattle chapter has recommended an investigation of the FBI. SAC Letter 58-82 instructed the field to advise the Bureau of any action being taken by the ACLU to investigate the Bureau. (61-190)

NOTE ON YELLOW:

If we advise the correspondent we have not investigated the ACLU, it may possibly be construed as a clearance of the organization by the FBI. In view of the activities of chapters of this organization on the west coast and the correspondent's desire to obtain material to be used in writing to the newspapers, it is believed the above reply will best serve the interests of the Bureau.

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[Redacted]
May 16, 1959.

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b7c

The F.B.I.,
Wash., D.C.

Gentlemen:-

" Grace and peace!"

I am very much interested in obtaining conclusive proof of the Communist Front activities of the so called American Civil Liberties Union. Would you give me such proven information, and when and by whom it was first founded? If you do not dispense such information, will you please direct this letter to some one who will?

I am faced with answering through the papers out here the FALSE STATEMENTS that are being made by those who are sponsoring this dirty gang, and I want concrete proof that cannot be answered. I know there is plenty of proof, but I do not have it on hand.

Yours in His service,

Ack
1-SF
5-26-59
RDS: pw

REC-10

61-190-767
MAY 28 1959

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: 5/28/59

FROM : SAC, NEW YORK (100-10159)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION

ReBulet 4/23/59. (760)

A review of the files of the NYO has revealed the following information concerning LOUIS M. HACKER who is apparently identical with LOUIS MORTON HACKER who resides at 430 West 116th Street, New York, NY.

On 4/20/37, SA GEORGE STARR obtained a leaflet entitled, "Presenting the American Student Union" which was being distributed near the College of the City of New York (CCNY) on that date. Among those listed on the Advisory Board of the American Student Union (ASU) was LOUIS HACKER. The ASU has been cited as a Communist front by the Special Committee on Un-American Activities in 1939, 1940 and 1942.

By letter dated 5/15/37, the NYO forwarded to the Bureau a copy of the publication titled, "Marxist Quarterly" which was described as a journal devoted to critical and creative Marxist scholarship in the social sciences, philosophy and the arts. Its introduction stated it was not the organ of any political group nor under the domination of any political party. The copyright for the periodical was in the name of the Marxist Association and its address was Marxist Quarterly, 20 Vesey Street, NYC. It was printed by the Liberal Press, Inc., 80 4th Avenue, NYC and LOUIS M. HACKER was listed as a member of the Board of Editors.

In May, 1942, the NYO received from the Office of Naval Intelligence, 3rd Naval District, a flimsy which advised that LOUIS M. HACKER, NYC, NY was a historian

- 2 - Bureau (RM)
1 - New York (100-10159) (414)

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NAME CHECK
SEC. SEC.

NY 100-10159

who was currently teaching Economics at Columbia University. The flimsy stated that HACKER was conspicuously anti-Communist and anti-Nazi.

An examination of the 1945 "Buying Guide" published in December, 1944 by the Consumers Union of the U. S., Inc. (CU) 17 Union Square West, NYC, NY, listed Professor LOUIS M. HACKER, lecturer at Columbia University as one of the sponsors of CU.

On 3/20/50, there was received through a confidential mail box, maintained by the NYO, a booklet entitled, "Red-ucators at Columbia University" published by the National Council for American Education, 1 Maiden Lane, NY 7, NY. This booklet, on page 1, stated "the accompanying tabulation gives the names of 87 Columbia University faculty members and their 589 affiliations with 229 Communist fronts." Among the names listed was "LOUIS M. HACKER, Director, School of General Studies" with his affiliations listed as "American Student Union, member Advisory Board; Consumers Union, sponsor; New Masses, contributor to 4/3/34 issue, page 40." The CU was cited by the Special Committee on Un-American Activities in 1944 as a Communist front. The Committee on Un-American Activities in its annual report for 1953 stated that "After hearings and thorough study, the Committee finds there is no present justification for continuing this organization (CU) as one that is cited". The CU has been deleted from the "Guide to Subversive Organizations and Publications" prepared by the HCUA. "New Masses" was cited as a Communist periodical by Attorney General FRANCIS BIDDLE, in the Congressional Record 9/24/42, page 7688. It was also cited as a "nationally circulated weekly journal of the Communist Party ... whose ownership was vested in the American Fund for Public Service" (Garland Fund) by the Special Committee on Un-American Activities, House Report 1311 on the CIO Political Action Committee, 3/29/44.

NY 100-10159

On 11/21/52, LOUIS F. BUDENZ advised SA JOSEPH V. WATERS concerning individuals listed as being connected with the Rockefeller Foundation or receiving grants from the foundation directly or indirectly. BUDENZ described LOUIS HACKER as "not a Communist, although he may be a Marxist in a loose way."

On 12/4/52, Dr. BELLA DODD was interviewed by SA JOSEPH V. WATERS and furnished information concerning the recipients of funds from the Rockefeller Foundation. Dr. DODD described LOUIS HACKER, Rockefeller exchange professor at that time, as an individual who "was a socialist and an anti-Stalinist."

On 1/7/53, SA WILLIAM CLAYTON JOHNSON obtained from the registrar of the New Lincoln School, 31 West 110th Street, NYC, a bulletin of the school which, under the heading, "Board of Trustees", listed Dean LOUIS M. HACKER, among others.

A mimeographed announcement of the American Association of Scientific Workers (AAScW) (furnished on an unspecified date by an unidentified source) contained the statement that an Employment and Education Fair in science was scheduled to be held on 9/13/52 at the New Lincoln School, under the sponsorship of the AAScW.

The AAScW was cited by the California Committee on Un-American Activities in its report of 1948 as an organization "Included among the Communist fronts represented" at the Win the Peace Conference in Washington, D. C., April 5-7, 1946.

"Counterattack", issue of 9/27/57, Volume 11 #39, page 154 states that the American Civil Liberties

NY 100-10159

Union (ACLU) Academic Freedom Committee, headed by Dean LOUIS M. HACKER of Columbia University's School of General Studies declared that teachers "... have the right to be irritating, foolish, socially unpalatable, or politically extreme ...". The Committee claimed that "... the basic issue is the competence and integrity of the teacher."

The "Daily Worker", an east coast Communist daily newspaper which ceased publication with its issue of 1/13/58, in its issue of 10/2/57 on page 2, column 2, carried an article which announced the re-election to the Board of Directors of the ACLU of several individuals among whom was listed LOUIS M. HACKER.

- Mr. [redacted]

May 29, 1959

Mr. [redacted]

Pittsburgh 17, Pennsylvania

Dear Mr. [redacted]

Your letter dated May 21, 1959, has been received, and the interest which prompted your communication is indeed appreciated.

While I would like to be of assistance, the function of the FBI as a fact-gathering agency does not extend to furnishing evaluations or comments concerning the character or integrity of any individual, publication or organization. I regret, therefore, that I am unable to comply with your request for information.

It may interest you to know that the FBI does not prepare or maintain a list of organizations of the type you mentioned. Inquiries concerning organizations designated by the Attorney General pursuant to Executive Order 10450 (The Federal Employees Security Order) should be directed to the Subversive Organizations Section, Internal Security Division, United States Department of Justice, Washington 25, D. C.

Sincerely yours,

John Edgar Hoover
Director

MAILED 25

MAY 29 1959

COMM-FBI

1 Pittsburgh

SEE NOTE TO PITTSBURGH, PAGE TWO

SEE NOTE ON YELLOW, PAGE TWO

RDS:pw (4)

MAIL ROOM [] TELETYPE UNIT []

Tolson _____
Belmont _____
DeLoach _____
McGuire _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
C. Sullivan _____
Tele. Room _____
Holoman _____
Gandy _____

Mr. [REDACTED]

b6
b7C

ATTENTION: SAC, PITTSBURGH

Correspondent advised he had just joined the American Civil Liberties Union (ACLU) and some friends have told him the FBI had designated the organization as a communist front. He requested to be advised if this information is correct. Bufiles contain no identifiable data concerning the correspondent.

The Bureau has not investigated the ACLU, with headquarters in New York. The Los Angeles chapter has circulated a petition calling for the abolition of the House Committee on Un-American Activities, and the Seattle chapter has recommended an investigation of the FBI. Your attention is directed to SAC Letter 58-82 instructing that the Bureau be advised of any action taken by the ACLU to investigate the FBI. (61-190)

NOTE ON YELLOW:

If we advise the correspondent we have not investigated the ACLU or that it has not been designated by the Attorney General, the correspondent may construe such advice as clearance of this organization by the FBI. In view of the activities of chapters of this organization on the west coast and criticisms of the FBI by this organization, it is believed the above reply will best serve the Bureau's interests.

[Redacted]
Pittsburgh 17, Pa.
May 21, 1959

Mr. John Edgar Hoover
Federal Bureau of Investigation
Washington, D. C.

Dear Mr. Hoover:

I have just joined the American Civil Liberties
Union and some of my friends tell me that your department has
designated this organization as a communist front. I would
appreciate your advising me if this is true. Thank you.

b6
b7C

Yours truly,

[Redacted Signature]

AK.
1-P6
5-29-59
RDS:puw

EX-136

RECEIVED

MAILED
JUN 1 1959

61-190-769

23 JUN 1 1959

RECEIVED
JUN 1 1959

5-102

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: 5/26/59

FROM : SAC, Phoenix

SUBJECT: M. T. PHELPS
AMERICAN CIVIL LIBERTIES UNION
CHIEF JUSTICE OF THE SUPREME COURT
PHOENIX, ARIZONA

Mr. Tolson	
Mr. Belmont	
Mr. DeLoach	
Mr. Mohr	
Mr. Parsons	
Mr. Rosen	
Mr. Tamm	
Mr. Trotter	
Mr. W.C. Sullivan	
Tele. Room	
Mr. Holloman	
Miss Gandy	

ReBulet 5/20/59 directed to Honorable M. T. PHELPS, Chief Justice of the Supreme Court, Phoenix, Arizona.

This is to advise that on Monday, May 25, 1959, I personally contacted Judge M. T. PHELPS and gave him the information authorized by the Director, in view of the fact that Judge PHELPS is a very reliable and conservative Judge, has the utmost admiration for the Bureau and the Director, and has always been a friend of the Bureau. He indicated that he likes to keep track of activities such as he mentioned in his letter and deplored the fact that too many people are ignoring such, which he feels are undermining the true democratic philosophy of our country. He stated that he acts in the position of counselor to the Governor on various matters in an attempt to keep the Governor from attaching himself to activities which may be embarrassing to him, and for this reason he appreciated very much the Bureau's courtesy in advising him of the information. He states he fully recognizes the Bureau's position and will treat this matter as strictly confidential.

I feel the Bureau's advice in this matter and the fact that we have so contacted Judge PHELPS have cemented even further the high regard he has held for the Bureau.

2 - Bureau
1 - Phoenix

ELB-kb

(3)

REC-9

EX-109

25 JUN 4 1959

FBI
RECEIVED JUN 20 1959

62 JUN 10 1959

JUN 17 1959

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (61-190)

DATE: 6-3-59

FROM : SAC, PHOENIX (100-352)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION
INFORMATION CONCERNING
(INTERNAL SECURITY)

REC-8 1, 2, 3

REBULET dated 5-21-59, requesting a summary of all information of a derogatory subversive nature concerning the following named individuals who, according to the local press, have been identified recently as being officers of the newly created chapter of the AMERICAN CIVIL LIBERTIES UNION in Phoenix, Arizona:

1.

[REDACTED]
Phoenix, Arizona

2.

MRS. [REDACTED] aka MRS. [REDACTED]
[REDACTED]
Phoenix, Arizonab6
b7C

3.

[REDACTED]
Phoenix, Arizona

4.

DR. [REDACTED]
(No address listed)

5.

MRS. [REDACTED]
(No address listed)

A check of the indices of the Phoenix Office reflects no references identifiable with: MRS. [REDACTED] aka MRS. [REDACTED] DR. [REDACTED] or MRS. [REDACTED]

b6
b7C
b7D

As to [REDACTED] this is to advise that Phoenix files reflect [REDACTED] that on 3-26-56, [REDACTED] appeared at the Phoenix Office. He stated [REDACTED]

3 - Bureau R M
1 - Phoenix
CWE:wma
(4)

REC-47

61-190-771

18 JUN 5 1959

57 JUN 16 1959

PX: 100-352

[redacted] Phoenix, in November, 1955. He explained that [redacted] was badly split several years ago previously when one [redacted] due to "Red activities by [redacted]" He said that 2 members of the [redacted] aka [redacted] Tempe, Arizona, and [redacted] a psychologist residing at [redacted], Phoenix.

[redacted] further related that he suspected that [redacted] and [redacted] "are Reds or near to it," due to their general trend of talking, and because they have organized a Humanist Organization Group in the congregation, and that he felt they would use this organization to eventually disseminate Soviet propaganda. He indicated that the meetings, which had been held in [redacted] home, have been innocuous but that he would venture they are building up to a gradual softening of the people who attend and make them more receptive to Soviet propaganda. He said that 5 persons had attended the meetings, and that he believes these people have attended because they were sincere in wanting to follow the Humanist movement (described by [redacted] as a quasi-church organization interested in social problems). One of the persons named as having attended these meetings was identified by [redacted] as being [redacted] Phoenix, Arizona.

By PXLET 7-13-56, entitled, [redacted] PSI," to the Bureau, it was set forth that [redacted] was no longer being considered as a possible PSI.

In addition for the Bureau's information, there is set forth below an article appearing in the 5-15-59, issue of the ARIZONA DAILY STAR, a newspaper of general circulation in the Tucson, Arizona area:

"STEELINK TO HEAD SOUTHERN UNIT OF ACLU

"DR. CORNELIUS STEELINK, assistant professor of chemistry at the University of Arizona, has been elected chairman of the southern Arizona section of the Arizona Civil Liberties Union.

PX: 100-352

"Other officers elected were ~~JAMES ESTRADA~~, vice chairman; and ~~BETSY MC DONALD~~, secretary-treasurer.

"Additional southern section board members include ~~CHARLES ARES~~, ~~FRANK BARRY~~, ~~MARVIN KARLIN~~, ~~RICHARD Y. MURRAY~~, ~~GEORGE PAPCUN~~, ~~C. R. GERD SCHLOSS~~ and ~~DR. HAYDEN SEARS~~.

"The Arizona Civil Liberties Union is a statewide organization dedicated to maintaining the rights of free speech, press and assemblage, due process of law, equality before the law and other civil rights. Headquarters of the southern section is at 262 N. Meyer St."

The indices of the Phoenix Office contain no references identifiable with any of the officers or members of the board for the Arizona Section of the Arizona Civil Liberties Union, except as appears below:

GEORGE PAPCUN

GEORGE PAPCUN may be identical with the subject of Phoenix file "GEORGE J. PAPCUN, aka, SM - SWP" (PXFILE 100-5259) and (BUFILE 100-31862). PAPCUN was interviewed on 3-19-54, and furnished information on his previous CP and SWP activities. PAPCUN was last reported to be residing at 858 Tipton Drive, Phoenix.

MRS. ALICE PAPCUN, wife of GEORGE J. PAPCUN, is subject of Phoenix file 100-5156, and Bureau file 100-428,178, and is reported to have been a member of the SWP and Young People's Socialist League.

[REDACTED]

One [REDACTED] Tucson, Arizona, who is associated with the law firm of [REDACTED], Tucson, furnished information which he received from a client.

PX: 100-352

This client furnished information regarding a possible bank robbery to occur at San Manuel, Arizona, and also information about a bank robbery which occurred at the VALLEY NATIONAL BANK at Showlow, Arizona, 12-31-57.

Information furnished by [] appears in the following FILES:

[] aka, et al
FIRST NATIONAL BANK OF ARIZONA
7th Avenue and Camelback Branch
Phoenix, Arizona
BR
(PXFILE: 91-659)
(BUFILE: 91-10513)

b6
b7c

[] aka, et al
VALLEY NATIONAL BANK
Showlow Branch
Showlow, Arizona
BR
(PXFILE: 91-671)
(BUFILE: 91-10654)

SAC, NEW YORK

June 8, 1959

DIRECTOR, FBI

1 - Name Check Section
1 - Mr.

AMERICAN CIVIL LIBERTIES UNION

b6
b7c

Re Form 0-1 captioned as above dated
5-20-59.

Referenced 0-1 referred to Bulet dated
4-23-59 requesting a summary of information contained
in New York files concerning Louis M. Hacker. You
were instructed to sulet immediately.

You are requested to submit explanations by
return mail for the attention of the Name Check
Section as to why you have not complied with the
afore-mentioned 0-1.

DRR:fjb
(5)

MAILED 10

JUN - 8 1959

COMM-FBI

REC-60

JUN 9 1959

Tolson _____
Boardman _____
Belmont _____
Mohr _____
Nease _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
C. Sullivan _____
Tele. Room _____
Holoman _____
Gandy _____

MAIL ROOM ☒

TELETYPE UNIT ☐

WASHINGTON HOME RULE COMMITTEE, INC.

924-14th STREET, N.W.

WASHINGTON 5, D. C.

REpublic 7-3804

June 5, 1959

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Frank R. Jelleff

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J. C. Turner

GENERAL COUNSEL

A. Lloyd Symington

LEGISLATIVE COUNSEL

Walter J. Pozor

EXECUTIVE SECRETARY

Mrs. Alice R. Deuel

Dear A C L U Member:

This is a direct appeal to you, as a member of the American Civil Liberties Union, to join personally in the crusade to restore Home Rule to the District of Columbia.

As a resident yourself you are undoubtedly aware that Washington is today a deplorable example of taxation without representation, of outside rule by strangers, of Federal control of even our public schools. Nothing is more repugnant to those who believe in the basic principles of democracy than this denial of the right to vote and to conduct our local affairs.

The recent admission to statehood of Alaska and Hawaii emphasizes by contrast the distressing second-class status of those who live in the District of Columbia. At the same time it brings renewed hope that Congress may now listen more sympathetically than in the past to pleas for Home Rule here, too. Now more than ever, it seems to us, the national capital of the leading nation of the free world should be a shining display of individual liberties.

As a member of ACLU, you undoubtedly share these sentiments. Accordingly, we are asking for your personal cooperation and financial support. In the event that you are not already a member of the Washington Home Rule Committee, we enclose an application blank. Any contribution you are able to make will be greatly appreciated.

Sincerely yours,

Gerhard P. Van Arkel

Gerhard P. Van Arkel
Chairman
Board of Directors

Encls.

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Mr. DeLoach
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. W.C. Sullivan
Tele. Room
Mr. Holloman
Miss Gandy

REC-77

EX 109

JUN 9 1959

NO ACK -
FORM

ENCLOSURE

JUN 15 1959

FACTS ABOUT HOME RULE
FOR THE DISTRICT OF COLUMBIA

November 1958

1. "Home Rule" means local self government - a right long denied to the people of the District of Columbia. D.C. Home Rule bills typically provide for a locally elected legislature and delegate in the House of Representatives, a local school board responsible to the residents of the community and a local executive, either elected by the residents or appointed by the President.

2. At present, the entire U. S. Congress acts as city council for the District and half-heartedly enacts all local laws for the District.

3. Intended by the Founding Fathers, actually enjoyed by the residents for 72 years and "temporarily" suspended in the 1870's, Home Rule for Washington has been declared constitutionally valid by the Supreme Court as recently as 1953. In 1958, for the fourth time in nine years, the Senate by an overwhelming and bipartisan 61-22 majority, approved Home Rule for Washington. But again, as in the past, the House District Committee buried the bill, denying the House even an opportunity to debate and vote on the issue.

4. President Eisenhower, former President Truman, and numerous outstanding Washington civic, professional, and religious groups endorse Home Rule, as do national groups such as the Conference of Mayors of the U. S., the League of Women Voters, and both political parties, as well as the American Association of University Women.

5. Denied the right to elect their own representatives to deal with their city's problems, the 820,000 people of the District are powerless to deal with pressing local issues -- more money for schools and teachers, acutely needed additional judges for the juvenile court, the blight of spreading slums in the nation's capital, water pollution, traffic, zoning and other neglected ills of the District of Columbia.

6. Despite Washington's needs, the Federal Government fails to pay its fair share of the cost of running the capital of the nation. Owning or exempting from tax about 52.8 percent of the property, it contributes only about 12 percent of the city's revenues. The balance of the revenue [88.3% in fiscal 1958] is raised from taxes paid by residents of the District of Columbia -- yet they are denied a voice in the spending of their money. Although it outranks 10 states in population and pays more federal taxes than 24 states, Washington, the capital of the United States, lacks even the basic right of local self government.

ENCLOSURE

The Last Outcast of Democracy

NEW HOPE for home rule in the District of Columbia is rising out of the tide that swept Alaska and Hawaii into the Union. For many years the District has been knocking on the doors of Congress with petitions for self-government much short of statehood. The three areas have been regarded as the underprivileged children in the United States family. Now two of those children have been welcomed into the fold as full-fledged states. With the third child still crying on the steps of the Capitol, the argument for taking it into the family as a self-governing unit ought to be irresistible.

In some respects Washington is presenting the most cogent appeal for political reform ever laid before Congress. Both Alaska and Hawaii had elected territorial governments of their own and voteless delegates in Congress even while the full privileges of statehood were denied them. The people of the District have no suffrage whatever, no local government worthy of the name, no voice in Congress, no sense of participation in the political life of the Nation.

One reason for the long delay in bringing Alaska and Hawaii into the family was their separation from the other states. No such objection can be raised against the District, which is the Capital of the Nation and the center of its political life. Another point used against Alaska was its relatively small population. But the District, with its 850,000 people, has almost four times the population of Alaska and more inhabitants than any one of 12 states.

THE DISTRICT is thus a far more conspicuous political freak and a greater embarrassment to the United States throughout the free world than Alaska or Hawaii ever was. Congress came to have twinges of conscience in the case of the neglected territories. How can it possibly avoid more acute twinges of conscience so long as home rule is denied within the Capital itself? No other major capital in the free world is kept in a state of absolute disfranchisement comparable to that of Washington.

The issue before Congress is not, therefore, simply one of granting the reasonable demands of a local community. Rather, it is a question—to borrow the words of Sturgis Warner of the District Home Rule Committee—“of eliminating the last legal and constitutional anomaly in the United States.” Congress has done remarkably well in the first two steps it has taken. Now it should complete its task by welcoming the last outcast into the family.

family not as a state but as a self-governing city with a special function.

THERE is nothing drastic, revolutionary, frightening or even strange about what the District is asking. Its request is simply for a restoration of self-governing rights that were swept away in a time of indignation over Governor Shepherd's excessive zeal in trying to keep Washington abreast of our national growth in the post-Civil War period. Home rule existed here when the District was established in 1800. Congress fostered and extended it until 1874. Since then there has been an appalling departure from American political principles in the continuation of what was essentially a receivership for the Shepherd regime.

It is important to remember also that, in extending the appointed local regime in 1878, Congress did not intend to continue the abolition of suffrage. The House voted for a District council to be elected by the people. The Senate approved a District delegate to Congress. These provisions for elected officials were stricken from both bills only because the conference committee could not agree on a compromise.

When the Senate Judiciary Committee looked into this problem some years ago, it concluded that the right of suffrage still exists in the District. It cannot be exercised because Congress has abolished the offices which the people used to fill at the polls. In other words, a basic right that was clearly recognized by Madison and others among the Founding Fathers has been suspended because Congress has failed in its duty to provide the framework of a local government.

THE SENATE is now keenly alert to its obligation to restore this right of local self-government. It is expected soon to pass a home-rule bill for the fifth time in recent years. All the pressure that can be applied to reverse the blunder of 1878 will then be focused on the House.

The home-rule bill on which the community's hopes are now built is a product of long evolution. It is not a perfect bill. Some of its provisions are the subject of sharp controversy. Yet on the whole it is a good bill and apparently the only home-rule measure that has a chance of enactment at present. It has wide support among the members of both parties in Congress as well as the endorsement of the Administration and local home-rule groups.

The positive virtues of the bill are numerous. First, it would delegate authority to govern the District for all practical purposes to a local body. At present Congress is the real city council for Washington, a chore that it does not like and has no time to perform properly. Under the new sys-

tem, local policies and programs, local appropriations and taxes would be voted by a Legislative Assembly responsible to the people. Like every other American city, Washington would then have control over its local affairs.

SECOND, the ballot box would be restored to the disfranchised District. Local residents would elect the 15 members of the General Assembly at large, voting for three candidates from each of five wards. By this means District residents could exercise control over their schools, their public improvements and their social welfare institutions as well as their taxes.

A third important provision would give the District a speaking but nonvoting delegate in the House of Representatives. This would be admittedly only a stop-gap arrangement. By all the rules of fairness and logic the people of this city should have full-fledged representatives in Congress and should participate in the election of the President. But only a constitutional amendment could extend these rights to the District, and home rule should not wait for such an amendment. Meanwhile an elected delegate could be a most useful emissary of the newly enfranchised community on Capitol Hill.

A fourth basic fact about the bill is that it would leave in Congress the ultimate legislative authority over the District. Any act of the Legislative Assembly could be repealed or modified by Congress, and of course the home-rule system itself could be changed whenever Congress might see fit. This bill would not in any sense be a first step toward statehood for the District of Columbia. Instead, it would restore Congress to its proper role of general supervision over the seat of Government while freeing it from detailed involvement in municipal operations. This is a point of enormous significance to those members of Congress who find service as District Councilmen to be especially burdensome.

CRITICISM of the bill arises largely from its provision for a District Governor to be appointed by the President and the so-called double veto. Most local residents and many legislators would prefer an elected Governor. But there is historical precedent for this arrangement. The first mayors of Washington were appointed, and after a few years Congress permitted the people to elect their own mayors. Those who favor an appointed Governor see a special need for pulling together the national and local interests in the city in the initial stages of home rule. With the new system firmly established, it would be a simple matter to permit election of the Governor, if experience should demonstrate that to be desirable.

The double veto can also be defended as a steady-hand on a new government. If the Governor should veto an act of the General Assembly on the ground that it would adversely affect a Federal interest and the Assembly should override that veto, the President could step in with a second irreversible veto. This might be very irritating to the local community on some occasions, but it would certainly afford every safeguard that might conceivably be necessary to curb possibly unwise local measures.

The only other argument against the bill that seems to influence some members of Congress is the large percentage of Negroes in the District's population. Actual experience has shown that there is little disposition on the part of Negroes to vote as a bloc, unless that is necessary for protection of their rights. But in any event a general denial of suffrage in order to prevent Negroes from voting is the very negation of democracy—the counsel of despair.

IN SOME measure the flight of high-income families to the Maryland and Virginia suburbs is a result of their disfranchisement in the District. The imbalance produced by this migration cannot be corrected by continuing to encourage it. Those who are worried by the District's changing population should be the first to work for the creation of a responsible local government which could address itself to the community's basic problems.

As a neglected orphan that depends on action of Congress for authorization to spend its own revenue, the District has a very dismal future. As a self-governing and self-respecting community, it could emerge into a new era of social, cultural and economic progress. Beyond this, a decent respect for the principles we profess as a Nation and for the solemn pledges made by both political parties demands that the rights of home rule be restored.

THE QUESTION is whether a little group of willful men in the House of Representatives shall be allowed to mock the principles of democracy in the Capital of the world's foremost democracy. The people of the District have demonstrated many times that they want home rule. The Senate wants it. The President wants it. There are many indications that the country also wants it and that a majority of the House would readily vote for it if given a chance. The use of minority obstruction to thwart self-government is doubly offensive.

Years of effort have failed to dislodge the House District Committee from its indifference to this scab on the face of democracy. So it is to Speaker Rayburn and other top men of the House that the District and the country must look. In the past these leaders have been inclined to turn the other way while home-rule bills have been asphyxiated and buried. Now they must be asked to bring home rule to a vote on the floor or face full responsibility for flouting their party's pledge and for continuing to make the United States Capital a byword for cynics everywhere.

If these leaders are inclined to take command of the situation, they will have support from many sources. As Shakespeare has said,

There is a tide in the affairs of men,
Which, taken at the flood, leads on to
fortune,

and that tide appears to be running today in favor of the neglected children of democracy. Now the only conspicuous political unit in this category under American control is the District of Columbia. For its sake, for the Nation's sake and for the sake of the free world, the country ought to rise up and insist that this breach of faith with the Founding

I want to help get Home Rule for the Citizens of Washington.

1. Please enroll me as a:

\$ 5.00 Member

\$ 25.00 Contributing Member

\$10.00 Sustaining Member \$100. Founder Member

\$_____ Associate Member

2. I am already a Member but want to contribute an additional \$_____

NAME (Mr.) _____
(Mrs.) _____
(Miss) _____
First Middle Last
ADDRESS _____
Number Street Section
City Zone State Telephone No. (over)

ENCLOSURE

61-190-773

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (61-190)
ATT: NAME CHECK SECTION

FROM : SAC, NEW YORK (67-1777)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION

DATE: 6/10/59

Reurlet, dated 6/8/59.

By letter, dated 5/28/59, the NYO submitted a letter in answer to your O-1 form of 5/20/59, and letter of 4/23/59, which contained a summary of information concerning LOUIS M. HACKER.

If Photostats of NYO letter are needed, they will be furnished on request.

In view of the fact that the NYO complied with the statement contained in the O-1, no further action is contemplated by this office UACB.

*Let rec'd N.C. Sec.
6/10/59 DPM
no further action necessary*

REC-44

61-190-774

JUN 12 1959

EX-113

NAME CHECK

b6
b7c

- ② - Bureau (61-190) (RM)
1 - New York (67-1777)

WPD:rma
(3)

62 JUN 17 1959

COPIES

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: May 28, 1959

FROM : C. D. DeLoach *CD*

SUBJECT: SECURITY INVESTIGATIONS OF INDIVIDUALS

Tolson ☒
 Belmont ☒
 DeLoach ☒
 McGuire ☒
 Mohr ☒
 Parsons ☒
 Rosen ☒
 Tamm ☒
 Trotter ☒
 Tele. Room ☒
 Holloman ☒
 Gandy ☒

Mr. Baumgardner's memorandum to Mr. Belmont dated 5-19-59 reflected that Rowland Watts, an attorney for the American Civil Liberties Union, had contacted the Socialist Workers Party (SWP) and requested detailed information regarding FBI harassment and intimidation during contacts with various members and sympathizers of the SWP. Referenced memorandum reflected that Watts had been in touch with other groups seeking similar information. It appears he may be planning to launch an attack on the Bureau's interview programs.

I discussed this matter with Irving Ferman in confidence 5-27-59. Ferman assured me that he would immediately contact Pat Malin of the ACLU in New York. Ferman also stated that the FBI could be assured that nothing will ever appear in print regarding any of Watt's activities. He is of the opinion that Watts is acting independently and not at the instructions of the ACLU. Ferman will attempt to get further facts and advise us accordingly.

ACTION:

It is suggested that this memorandum be forwarded to the Domestic Intelligence Division for information.

- 1 - Mr. Belmont
- 1 - Mr. Baumgardner
- 1 - Mr. Jones

CDD:sak *[Signature]*
 (5)

REC-76

161-190-775
 NOT RECORDED
 102 JUN 17 1959

24 JUN 17 1959

113
 62 JUN 23 1959
 CONTINUED

ORIGINAL FILED IN 100-358036

1 Mr. [redacted]

June 15, 1959

61-190-776

REC-64

EX 109

Mr. [redacted]

Lake Worth, Florida

Dear Mr. [redacted]

Your letter dated June 8, 1959, has been received, and the interest which prompted your communication is indeed appreciated.

While I would like to be of assistance, the function of the FBI as a fact-gathering agency does not extend to furnishing evaluations or comments concerning the character or integrity of any individual, publication or organization. Furthermore, information in the files of this Bureau is maintained as confidential and available only for official use in accordance with a regulation of the Department of Justice. I regret, therefore, that I am unable to comply with your request for information.

I am sure you will understand the necessity for this policy and will not infer from my inability to be of assistance that we do or do not have in our files the information you desire.

Sincerely yours,

MAILED 5

JUN 15 1959

COMM-FBI

John Edgar Hoover
Director

1 - Miami

ATTENTION: SAC, MIAMI

JUN 24 1959

Correspondent stated it is his understanding that a branch of the American Civil Liberties Union (ACLU), known as the Florida Civil Liberties Union (FCLU), has been organized in his state. He requests all background information concerning the organization relative to communist affiliation. Bufiles contain no identifiable information concerning the correspondent.

MAIL ROOM [] TELETYPE UNIT []

RDS:pw(4)

SEE NOTE ON YELLOW, PAGE TWO

Tolson
Belmont
DeLoach
McGuire
Mohr
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman

Mr.

b6
b7C

NOTE TO MIAMI, CONTINUED

Bufiles contain no identifiable information concerning FCLU. The Bureau has not investigated the ACLU with headquarters in New York. The Los Angeles chapter of the ACLU has circulated a petition calling for the abolition of the House Committee on Un-American Activities and the Seattle chapter has recommended an investigation of the FBI. Your attention is directed to SAC Letter 58-82 instructing that the Bureau be advised of any action taken by the ACLU to investigate the Bureau. You should also be alert for any such action which may be taken by the FCLU.

NOTE ON YELLOW:

If we advise the correspondent we have not investigated the ACLU, it may be construed as a clearance of this organization by the FBI. In view of the activities of chapters of the ACLU on the west coast and criticisms of the Bureau by the organization, it is believed the above reply will best serve the Bureau's interests.

[Redacted]

[Redacted]

LAKE WORTH, FLORIDA
TELEPHONE JUSTICE 2-6569

JUNE 8, 1959

b6
b7c

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C.

ds 1-1
②

GENTLEMEN:

④ IT IS MY UNDERSTANDING THAT A BRANCH OF THE
"AMERICAN CIVIL LIBERTIES UNION", KNOWN AS THE ~~FLORIDA~~
CIVIL LIBERTIES UNION, HAS BEEN ORGANIZED IN THIS STATE.
I WOULD APPRECIATE RECEIVING ALL BACKGROUND INFORMATION
CONCERNING THIS ORGANIZATION RELATIVE TO COMMUNIST
AFFILIATION, IF THAT BE THE CASE.

Fla

THANKING YOU FOR YOUR ASSISTANCE IN THIS REGARD,
I REMAIN

VERY TRULY YOURS

[Redacted Signature]

ZHA:GM

[Handwritten signature]

EX 109
REC-64 161 - 190-776

ACK
1-MM
6-15-59
RDS: pwr.

JUN 17 1959

5- RDS
COMM-FBI REC.

DECODED COPY

John

☒ **Radio**

☐ **Teletype**

Mr. Tolson _____
 Mrs. Belmont _____
 Mr. DeLoach _____
 Mr. McGuire _____
 Mr. Mohr _____
 Mr. Parsons _____
 Mr. Rosen _____
 Mr. Tamm _____
 Mr. Trotter _____
 Mr. W.C. Sullivan _____
 Tele. Room _____
 Mr. Holloman _____
 Miss Gandy _____

URGENT

6-22-59

TO DIRECTOR

FROM SAC LOS ANGELES 222303

CRITICISM OF FBI.

AMERICAN CIVIL LIBERTIES UNION (ACLU), LOS ANGELES, TELEPHONICALLY CONTACTED LOS ANGELES OFFICE TODAY REQUESTING APPOINTMENT TO APPEAR AT LOS ANGELES OFFICE THIS WEEK TO GET FBI COMMENTS REGARDING QUOTE "THE NATION" UNQUOTE ARTICLE OF OCTOBER LAST YEAR ABOUT FBI. ARTICLE TO BE DISCUSSED AT JULY 1 NEXT MEETING OF PACIFIC PALISADES DEMOCRATIC CLUB (NO RECORD LOS ANGELES FILES), PACIFIC PALISADES, CALIF. LOS ANGELES FILES HAVE NUMEROUS REFERENCES TO [REDACTED] REGARDING VARIOUS CAUSES AND PERSONS OF INTEREST TO ACLU. NO INVESTIGATION CONDUCTED ON [REDACTED]

[REDACTED] WAS ADVISED FBI WOULD NOT DIGNIFY THESE ATTACKS WITH ANY COMMENT, WHEREUPON HE STATED HOWARD RUSSELL, A SPEAKER FOR ACLU, WOULD APPEAR IN PERSON AT LOS ANGELES FBI OFFICE 2:00 PM JUNE 24TH INSTANT TO ENGAGE IN CONVERSATION ABOUT QUOTE "THE NATION" UNQUOTE ARTICLE. [REDACTED] TOLD ARTICLE WOULD NOT BE DISCUSSED WITH RUSSELL. VARIOUS REFERENCES RUSSELL IN LOS ANGELES FILES AS BEING CONNECTED WITH ACLU. RUSSELL WILL BE HANDLED ACCORDING TO INSTRUCTIONS IN BUAIRTEL OCTOBER 23, LAST CAPTIONED CRITICISM OF FBI. ABOVE FOR INFORMATION OF BUREAU.

RECEIVED:

8:59 PM RADIO

REC-77

9:12 PM CODING UNIT

ECD

61-190-777

MR. DELOACH

CC: Mr. DeLoach
 S.A. should not dignify the article with any comment
 8 JUN 30 1959
 If the intelligence contained in the above message is to be disseminated outside the Bureau, it is suggested that it be suitably paraphrased in order to protect the Bureau's cryptographic systems.

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: June 24, 1959

FROM : C. D. DELOACH

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIEDSUBJECT: AMERICAN CIVIL LIBERTIES UNION (ACLU)
LOS ANGELES, CALIFORNIADATE 12/14/82 BY SP8 BTJ/dd
12/14/82

Tolson	_____
Belmont	_____
DeLoach	_____
McGuire	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
W.C. Sullivan	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

A radiogram from the Los Angeles Division June 22, 1959, reflected that [redacted] of the ACLU, Los Angeles, had telephonically contacted that office to request an appointment in order to get FBI comments regarding Fred Cook's article in The Nation magazine, October, 1958. Upon being advised that the FBI did not care to dignify Cook's article by making any comments, [redacted] told our Los Angeles Office that he would have Howard Russell, a speaker for the ACLU, appear at the Los Angeles Office regarding this matter. [redacted] was told that the article would not be discussed with Russell. Russell is to speak before the Pacific Palisades Democratic Club (no record in Los Angeles files) on July 1, 1959, to discuss this matter. The Director noted "L. A. should not dignify the 'Nation' article with any comments whatsoever. DeLoach should let Ferman know of the move."

b6
b7c

I discussed this matter with Irving Ferman June 23. He stated this is something that should be nipped in the bud. He advised he would call New York National Headquarters of the ACLU and then call me back.

Ferman called back at 11:00 AM, June 24. He stated he had discussed this matter with [redacted] of the ACLU. He indicated that [redacted] would call me later in the day. [redacted] did call at approximately 2:30 PM, June 24. We again went over the facts at hand and I told [redacted] that the Cook article was so full of distortions, lies and innuendoes that the Director did not care to dignify such garbage with any comment. [redacted] stated he wished to assure us that [redacted] and Russell's activities in this regard had nothing whatsoever to do with the ACLU. He pointed out there was no campaign whatsoever by the ACLU to publicize Cook's article. I told him that the principal point of the matter was that Russell no doubt would appear before the Pacific Palisades Democratic Club and brief that group regarding the Cook article but would merely indicate that the FBI had no comment to make in so far as refutation of Cook's lies and distortions are concerned. [redacted] stated he certainly got the point and would call Los Angeles immediately to straighten out this matter. He reiterated once again that the ACLU was not back of this move and would have nothing to do with it. I told him that despite this fact, both [redacted] and Russell

1 - Mr. Belmont

1 - Mr. Rosen

1 - Mr. Jones

CDD:ejp (5)

67 JUL 2 - 1959

REC-11 61-190-778

14 JUN 26 1959

CRIME REC.

UNRECORDED COPY FILED IN 61-190-901

Memo DeLoach to Tolson

6-24-59

b6
b7c

were leaders of the ACLU on the West Coast and the ACLU would definitely be tied in with any remarks which might be made by Russell. [] indicated he recognized this fact and would attempt to prevent that from happening. He stated it was his opinion that the Pacific Palisades Democratic Club had asked for a speaker to analyze the Cook article and that [] and Russell were trying to get viewpoints from both sides. I told [] that this may be true; however, the situation became rather sordid as any speech would be based on despicable lies and slanted facts.

After talking with [] I called the Los Angeles Office and advised them of the latest developments in this matter. Instructions were again issued not to make any comment regarding the Cook article.

ACTION:

For record purposes.

W. J. Sullivan
6/24/59
W

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: June 29, 1959

FROM : C. D. DeLoach

SUBJECT: CRITICISM OF FBI

33
 Tolson _____
 Belmont _____
 DeLoach _____
 McGuire _____
 Mohr _____
 Parsons _____
 Rosen _____
 Tamm _____
 Trotter _____
 W.C. Sullivan _____
 Tele. Room _____
 Holloman _____
 Gandy _____

LOS ANGELES *Cont*

Los Angeles airtel 6/24/59 reflected a visit by Howard J. Russell of the American Civil Liberties Union to that office. The Los Angeles Office had previously received a call requesting an appointment for Russell inasmuch as he desired to obtain our comments relative to the article by Fred J. Cook in "Nation" magazine. The Director noted, "Let me know just what our instructions to LA were"? I specifically instructed the Los Angeles Office not to dignify Cook's article by any comments whatsoever. That Office was told to tell Russell, in the event he asked questions regarding the Cook article, "that the Director of the FBI did not care to dignify such garbage with any comments."

b6
 b7C

As the matter turned out, Russell asked a considerable number of questions concerning the administrative setup of the FBI. His speech before the Pacific Palisades Democratic Club is on 7/1/59. Pursuant to instructions, I have discussed this matter with Irving Ferman who in turn called [redacted] of the American Civil Liberties Union, New York City. [redacted] called me on Friday, 6/26/59 and stated he wanted to assure the FBI this was no project or campaign on the part of the American Civil Liberties Union. Los Angeles has been instructed to follow this matter.

With respect to the background on Howard J. Russell, one Howard Joseph Russell was absent without leave from the Navy in September and October, 1943, for a period of 22 days. Russell claimed to be a conscientious objector and also objected to the Navy caste system. In connection with his case he contacted A. L. Wirin of the Los Angeles Chapter of the American Civil Liberties Union. Russell was sentenced to 45 days confinement on November 18, 1943, for his absence without leave. (61-3415-363, page 7)

1 - Mr. Jones

REC-14

20 JUL 7 1959

53 JUL 10 1959

CDD:geg
 (3)

CRIMINAL

PERS. FILE

F B I

Date: 7/4/59

Transmit the following in _____
(Type in plain text or code)Via AIRTEL _____
(Priority or Method of Mailing)

TO: DIRECTOR, FBI

REC-84

FROM: SAC, PITTSBURGH (100-152)

RE: AMERICAN CIVIL LIBERTIES UNION
MISCELLANEOUS (INFORMATION CONCERNING)

On 7/2/59, the Pittsburgh Office received, through the mail, two copies of a throwaway, bearing return address of "ADA, 213 Smithfield St., Pittsburgh 22, Pa." The individual sending the material did not identify himself.

The throwaway invited the recipient to attend a buffet supper and lecture jointly sponsored by the Pittsburgh Chapters of the Americans For Democratic Action (ADA) and the American Civil Liberties Union (ACLU) at North Park, Pittsburgh, Pa., on 7/10/59.

The throwaway set out that the meeting was being held in defense of freedom of speech, the press, association, equal protection, self incrimination, and right to travel.

Continuing, the throwaway set out that, "Legislative reprisal hangs like a sword over the Supreme Court, wielded by members of the Congress angry over school desegregation and resentful at the court's refusal to yield to the recent hysteria, in desecration of its historic independence."

2
3-Bureau (RM)
1-New York (Info)(RM)
2-Pittsburgh
(1-100-152 (ACLU))
(1-100-9243 (ADA))

REC-84

EPH/cap
(6)

61-190-780
12 JUL 12 1959

Approved: _____
Special Agent in Charge

Sent _____ M

Per _____

67 JUL 14 1959
67 JUL 14 1959

F B I

Date:

Transmit the following in _____
(Type in plain text or code)Via _____
(Priority or Method of Mailing)

PG 100-152

Speakers were named as Judge ~~DOROTHY KENYON~~, of the New York Municipal Court and a national board member of ADA and ACLU, and WILLIAM L. TAYLOR, ADA Lobbyist. It was set out that the evening would be devoted to interpreting the dangers of pending Federal legislation attacking the Supreme Court, and the motives behind the assault.

Inasmuch as Bureau not investigating ACLU or ADA, above is submitted for information. This office will forward any local press articles concerning above.

Copy to New York for information re DOROTHY KENYON.

-2-

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

FBI, Los Angeles

Date: 6/24/59

Mr. Tolson	✓
Mr. Belmont	✓
Mr. DeLoach	✓
Mr. McGuire	✓
Mr. Mohr	✓
Mr. Parsons	✓
Mr. Rosen	✓
Mr. Tamm	✓
Mr. Trotter	✓
Mr. W.C. Sullivan	✓
Tele. Room	✓
Mr. Holloman	✓
Miss Gandy	✓

Transmit the following in _____
(Type in plain text or code)Via AIR TEL AIR MAIL
(Priority or Method of Mailing)

To: Director, FBI Attention: Crime Records

From: SAC, Los Angeles (80-384)

Re: CRITICISM OF FBI

Re LA radiogram 6/22/59 and telephone call from Assistant Director C. D. De LOACH 6/24/59.

Set me know just what our instructions are.

Mr. HOWARD J. RUSSELL, 3680 Fairway Blvd., Los Angeles 43, California, telephone AXminister 3-3556 appeared at the Los Angeles Office at 2 P.M. today and was interviewed by ASAC ALEX-ANDER. Mr. RUSSELL explained that he was a member of the Los Angeles school system teaching at Jordan High School and the East Los Angeles Junior College and had been interested in the American Civil Liberties Union for a number of years. He stated that he was a member of the Speakers' Bureau of the ACLU, and as such has been requested to speak on 7/1/59 at a meeting of the Pacific Palisades Democratic Club, Pacific Palisades, Calif. In contacting this club for subject material Mr. RUSSELL stated that it had been indicated that the club would like some information as to the work of the FBI and any conflict between the work of the FBI and the work of the ACLU.

Mr. RUSSELL was advised that it had been Mr. [redacted] statement to an Agent of the LA Office that he, RUSSELL, would appear at the LA Office to get the FBI comments regarding "The Nation" article of October, 1958, about the FBI. Mr. RUSSELL stated that it had been explained to him, [redacted] that we did not care to dignify these attacks with any comments and it was his, RUSSELL's purpose to get some information concerning the work of the FBI so that in the event he received any questions he would be able to intelligently answer them.

Mr. RUSSELL then asked such questions as what are the entrance requirements for the FBI, what is the entrance salary of the FBI, what training is given an Agent when he first enters on duty, how many field offices does the FBI have, and other questions concerning the administrative set-up of the Bureau such as who is head of the field office, etc?

3 - Bureau (AIR MAIL)

1 - Los Angeles

WMA:gmw

Approved: _____

Special Agent in Charge

AIR TEL

SENT DIRECTOR

6-26-59

JUL 7 1959

Sent _____ M

Per _____

CRIME REC.

PERS. FILE

See Memo Allocated to Mr. Tolson 6-30-59

PAGE TWO.

He then went into various questions concerning the jurisdiction of the FBI and the various violations over which the Bureau has jurisdiction. He then asked the investigative procedure of the FBI when information is received indicating a violation of Federal law. It was explained to him that the FBI is a fact finding agency, that we investigate, we do not prosecute, and that the job of prosecution is that of the United States Attorney, etc. It was also pointed out to him that the FBI does not grant clearance or recommend clearance for anyone.

Mr. RUSSELL was given the pamphlets, "The Story of the F.B.I." and "The F.B.I. National Academy". The interview was conducted on congenial terms, and Mr. RUSSELL appeared to be genuinely interested in obtaining information concerning the work of the FBI.

*Do we have any background on
Russell?*

J

*memo 6/20/59
attach to file*

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 6-30-59

FROM : C. D. DeLoach

SUBJECT: CRITICISM OF FBI

Tolson ✓
 Belmont ✓
 DeLoach ✓
 McGuire ✓
 Mohr ✓
 Parsons ✓
 Rosen ✓
 Tamm ✓
 Trotter ✓
 W.C. Sullivan ✓
 Tele. Room ✓
 Holloman ✓
 Gandy ✓

b6
b7c

Los Angeles airtel 6-24-59 reflected a visit by Howard J. Russell of the American Civil Liberties Union to that office. The Los Angeles Office had previously received a call requesting an appointment for Russell 6-24-59. He desired to obtain our comments relative to the article by Fred J. Cook in "The Nation" magazine. Russell is to make a speech before the Pacific Palisades Democratic Club 7-1-59. The Director noted on Los Angeles airtel 6-24-59 "Let me know just what our instructions to LA were." On the morning of 6-24-59 I specifically instructed Supervisor [redacted] acting in the absence of ASAC Alexander, who was undergoing a physical examination, that the Los Angeles Office was not to dignify Cook's article by any comments whatsoever. SA [redacted] was told to tell Russell in the event he asked questions regarding the Cook article "that the Director of the FBI did not care to dignify such garbage with any comments."

Los Angeles airtel 6-24-59 reflected that Russell showed up at that office at 2:00 P. M. 6-24-59 and was interviewed by ASAC Alexander. Russell explained that he was a member of the Los Angeles school system, teaching at Jordan High School and the East Los Angeles Junior College. He claimed he had been interested in the ACLU for a number of years. He stated he was a member of the Speakers Bureau of the ACLU and as such had been requested to speak on 7-1-59 at a meeting of the afore-mentioned club. In contacting this club for subject material Mr. Russell stated that it had been indicated that the club would like some information as to the work of the FBI and any conflict between the work of the FBI and the work of the ACLU.

61-190-782

ASAC Alexander states he told Russell that we were previously advised that Russell wanted to get FBI comments regarding "The Nation" article of October, 1958. Russell, replied to ASAC Alexander that it had already been explained to him that the FBI did not care to dignify this attack with any comments. Russell told ASAC Alexander that it was his purpose to get information concerning the work of the FBI so that in the event he received any questions he would be able to intelligently answer them.

REC-14 61-190-782

Russell then asked numerous public source questions, i. e., entrance requirements to the FBI; entrance salaries; the training given our agents; number of field offices; questions regarding the jurisdiction of the FBI; investigative procedures when information is received of a violation of Federal law, etc. ASAC Alexander states he explained to Russell that the FBI is a fact-finding agency, not a prosecutive agency. Russell was told of our policy re clearances, of evaluations, etc. He was given the

CDD:MAH

(3)

1 - Mr. Jones

JUL 10 1959

102

PERS. FILES

3/11C

pamphlets "The Story of the FBI" and "The FBI National Academy." ASAC Alexander states the interview was conducted on congenial terms and Russell appeared to be interested concerning the work of the FBI.

There is no subversive derogatory information concerning Russell in Bufiles. It may be that ASAC Alexander showed Russell too much courtesy in elaborating in answers to Russell's questions. The questions, however, were of a public source nature and would be given to any tourist or anyone who might call by our field offices. The Los Angeles Office was specifically instructed not to comment regarding "The Nation" magazine. These instructions were carried out. We, of course, do not know at this time whether Russell will attempt to attack the Bureau in his speech or not. It is inconceivable that his remarks will be favorable, however. The Los Angeles Division is following this matter to determine if any publicity is given Russell's talk.

ACTION:

Under the circumstances, it is recommended that we not censure ASAC Alexander in view of the above facts. The final decision on this matter should wait until after we receive information from Los Angeles regarding Russell's talk. In the event he quotes ASAC Alexander, we can at that time make a better determination as to whether Alexander spoke out of turn or not. Based upon the above facts, as claimed by ASAC Alexander, there seems to be no basis for disciplinary action at this particular time.

gmc
6/30

alexander should
not have talked
to Russell about
Bureau's work

↑ I certainly agree.
In view of background
& our specific att-
ing of Alexander he
should not have
discussed Bureau's
work with Russell.
K.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach

DATE: 9-1-59

FROM : M. A. Jones

SUBJECT: HIGHLAND PARK, NEW JERSEY
-COMPLAINANT

Tolson	_____
Belmont	_____
DeLoach	_____
McGuire	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
W.C. Sullivan	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

b6
b7C

Mr. appeared at the Bureau on 9-1-59 and was interviewed by SA Thomas F. Mitchell of the Crime Research Section.

stated that he is a student at Columbia University and he is doing research in connection with his dissertation for his Ph.D. Degree which will be in American History. He stated that one of the subjects of his research is the National Civil Liberties Bureau which, according to around 1925 became the American Civil Liberties Union.

Mr. asked if there was any information available in Bufiles concerning the National Civil Liberties Bureau which might be furnished to him to aid in his research. He was advised of the confidential nature of FBI files and stated he thought that would be the condition but he had desired to attempt to get such information anyhow.

There is no information in Bufiles identifiable with The American Civil Liberties Union has never been investigated by the FBI. The Los Angeles Chapter of the American Civil Liberties Union was cited by the California Committee on Un-American Activities in 1949 as being heavily infiltrated with communists and fellow travelers. This is the only Chapter of ACLU which has been so cited.

RECOMMENDATION:

This is for information.

TFM:jab
(2)

EX-101

33
MAR 22 1960
SEP 9 1959

REC-94

61-190-782X

105-30855

SEP 3 1959

CRIME RE

Criminal
Investigation

Tolson ☒
 Belmont ☒
 DeLoach ☒
 McGuire ☒
 Mohr ☒
 Parsons ☒
 Rosen ☒
 Tamm ☒
 Trotter ☒
 W.C. Sullivan ☒
 Tele. Room ☒
 Holloman ☒
 Gandy ☒

Civil Liberties Union Director Named Here

Lawrence Speiser of San Francisco has been named Washington director of the American Civil Liberties Union.



Speiser, 36, who was a counsel for the organization in Northern California from 1952 to 1957, will assume his new post on Sept. 14. He succeeds Irving Ferman, who resigned in June to become executive vice chairman of the President's Committee on Government Contracts.

What do we know of Speiser?

The Washington Post and Times Herald A-18
 The Washington Daily News _____
 The Evening Star _____
 New York Herald Tribune _____
 New York Journal-American _____
 New York Mirror _____
 New York Daily News _____
 New York Post _____
 The New York Times _____
 The Worker _____
 The New Leader _____
 The Wall Street Journal _____
 Date _____

*Free to DeLoach
9-3-59
WCH*

REC-21

61-190-784

SEP 2 1959

10 SEP 10 1959

57 SEP 11 1959

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-3-106)

DATE: AUG 26 1959

FROM : SAC, SALT LAKE CITY (100-9260)

SUBJECT: COMMUNIST INFILTRATION
OF MASS ORGANIZATIONS
IS - C

up Re Bureau letter 7/28/58 and 12/24/58. Re
SAC letter 59-17 (1) dated 3/24/59, and Salt Lake City letter
2/26/59.

A review has been made of information available
to the Salt Lake City Office and informants have been contacted
in order to identify all mass organizations which are targets
of the Communist Party in this area.

I. DATA CONCERNING COMMUNIST PARTY PROGRAM

No specific information has been received from
informants in this area which names specific targets of the
Communist Party. Information has, however, been received
from the Bureau to the effect that the National Association
for the Advancement of Colored People (NAACP) is on a nation
wide basis one of the specific targets for infiltration
by the Communist Party.

II. ORGANIZATIONS CONCERNING WHICH DATA PREVIOUSLY SUBMITTED

No data has been furnished to the Bureau pertaining
to organizations under this program since the submission of
the previous semi-annual letter.

AMERICAN CIVIL LIBERTIES UNION

- ③ - Bureau (Encl. 6) (REGISTERED)
5 - Salt Lake City
(1 - 100-9260)
(1 - 100-818, CP, USA)
(1 - 100-3482, NAACP)
(1 - 100-9326, CCCR)
(1 - 100-1465, ACLU)

WRP:plw
(13)

ENCLOSURE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-16-82 BY 367 VET/CH
per [unclear] [unclear]
serial # 9-0172 (su-ACU)
copied by [unclear]

NOT RECORDED
165 SEP 16 1959

57 SEP 16 1959

ORIGINAL COPY FILED IN

SU 100-9260

III. ORGANIZATIONS CONCERNING WHICH DATA BEING SUBMITTED
BY INSTANT LETTER

1. National Association for the Advancement
of Colored People (NAACP) - Salt Lake City Chapter,
Bureau file 61-3176.
2. Citizens Committee on Civil Rights (CCCR),
Bureau file 100-430272.
3. American Civil Liberties Union (ACLU) -
Utah Chapter, Bureau file unknown.

Two copies each of information sheets pertaining
to each of the three organizations listed above are submitted
herewith for the Bureau.

p*

AMERICAN CIVIL LIBERTIES UNION
(ACLU)
Utah Chapter

a. Name and Address of Organization

The correct name of this organization is as set out above. The Utah Chapter was organized in May, 1959. It has no permanent address and no regular schedule of meetings up to the present time.

b. Extent of Communist Infiltration

There is no definite indication that the Utah Chapter of the ACLU is Communist infiltrated. Professor SIDNEY H. COONTZ, a reported former Communist, and [redacted] are reported to have been instrumental in the setting up of the Utah Chapter. [redacted] is on the executive board of the Utah Chapter. SIDNEY H. COONTZ is the subject of a current investigation in this office based on an allegation received from [redacted] Officer, Regional Office IV, 115 CIC Detachment, Fort Douglas, Utah, to the effect that COONTZ in a class taken by [redacted] appeared to orient the course towards the Marxist point of view.

c. Identities of Communist Party Members and Positions Held in Organization

No known members of the Communist Party are members of the organization.

d. Informant Coverage

[redacted] is a member of [redacted] this organization. [redacted] has attended some meetings of the organization, but holds no office and is not a member. [redacted] has not attended meetings of the organization and is not a member, but does receive some information from his associates pertaining to the organization.

e. Recommendation

On the basis of available information, it is not considered that active investigation of this organization is warranted.

61-190
ENCLOSURE

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

11-16-92
Class. BY 329 JET/CL
Date of Review OADR
Special Agent
(54-1544)

b6
b7C

b7D

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: September 3, 1959

FROM : C. D. DELOACH

SUBJECT: LAWRENCE SPEISER.
DIRECTOR, WASHINGTON OFFICE
AMERICAN CIVIL LIBERTIES UNION

Tolson	✓
Belmont	✓
DeLoach	✓
McGuire	✓
Mohr	✓
Parsons	✓
Rosen	✓
Tamm	✓
Trotter	✓
W.C. Sullivan	✓
Tele. Room	✓
Holloman	✓
Gandy	✓

Kemper called Dick Arens, House Committee on Un-American Activities (HCUA) at 5:10 PM, September 3, 1959, and gave him a rundown on above-captioned individual.

Arens said he remembered Speiser and also remembered that he was a "smart aleck."

Arens appreciated being alerted and said that they will be on guard.

RECOMMENDATION:

For information.

1 - Mr. Belmont

1 - Mr. Jones

ECK:ejp

(4)

77
57 SEP 11 1959

EX.

REC-21

61-190-785
10 SEP 10 1959

CRIME REC.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: 9/28/59

FROM: 

SAC, PHILADELPHIA (100-1086)

SUBJECT:

AMERICAN CIVIL LIBERTIES UNION
IS - C

Forwarded herewith to the Bureau is a news item of "The Gazette and Daily," York, Pa., dated 9/24/59, and accompanying editorial.

Attention is particularly called to the second page of the news item wherein proposed police and police procedures as drawn up by the ACLU, have been adopted as part of the Democratic platform in the York election campaign.

Note particularly item 2 which would require police to make available to arrested persons a printed pamphlet setting out their rights as arrested persons upon their being taken into custody.

- 2 - Bureau (Encl-2) (REGISTERED MAIL)
2 - Philadelphia
1 - 100-1086
1 - 100-37422 (GAZETTE AND DAILY)

NSH:LRB
(4)

2 ENCLOSURE

REC-133

61-190-786
23 SEP 29 1959

FBI

RECEIVED

OCT 1 1 20 1959

RECEIVED

let to PH
101-759
JHK:fk
53 OCT 5 1959

Platform Of City Democrats Pledges Police Review Bd.

Other pledges include sending new policemen to State Police academy, giving arrested persons pamphlet detailing their rights, full support for renewal projects, and setting up of administrative department if voters adopt mayor - council form of government.

The Democratic city platform, released yesterday by county chairman B. A. Wagner, pledges to establish a police review board and to make available to all arrested persons a pamphlet advising them of their rights.

These were two proposals made by the York branch of the American Civil Liberties union at an Aug. 29 public platform hearing conducted by the Democratic committee.

The ACLU had also recommend-

ed a police ethics code and departmental hearings for policemen accused of violating rights of arrested persons. No mention of these proposals were in the formal platform.

Some two weeks later, on Sept. 11, Mayor Fred A. Schiding rejected an ACLU request that he name an impartial fact-finding board to investigate charges that a city policeman beat a handcuffed prisoner. Schiding is one of the candidates running on the platform.

On police matters, the platform further pledges that all new police department recruits will be required to attend the State Police academy at Hershey and that the program of sending experienced policemen to "advanced courses in police work" will be extended.

Co-operation with all programs of York Redevelopment authority is pledged in another part of the platform.

On a city charter change, the platform pledges to create an administrative office — as recom-

PHILADELPHIA DIVISION

THE GAZETTE AND DAILY

YORK, PA.

EDITOR: J. W. GITT

DATE 9/24/59

EDITION

PAGE 1

COLUMN 3-4

TITLE OF CASE

61-190-786

ENCLOSURE

mended by the York Charter commission — if the voters in November accept the commission's recommendation to change from the present government to a mayor-council form.

The platform takes no position on the over-all change itself. The setting up of a department of administration under the mayor is an option of the city government if the change is effected.

Platform Text

Economy is another pledge in the platform which reads as follows:

"Redevelopment and Planning" — During the past four years, a vigorous new program to renew the blighted areas of our city through redevelopment was initiated. The Wellington project will transform blighted housing and automobile junk yards into an area of attractive public and private housing and park areas. Downtown parking, in a park-like setting, and new school facilities will replace bad housing in the Park Lane project area. A plan for the rehabilitation of the entire center city area is being developed by Rotival Associates, internationally famous planners.

"We pledge ourselves:

"1—To cooperate in carrying to completion the Park Lane project.

"2—To provide all local assistance required to accomplish the redevelopment of the Cookes-Renewal area which will provide a much-needed park in a congested area and preserve the historical Cookes House.

"3—To cooperate with other public and private groups in the conservation and restoration of the Cookes House, the Gates House and the Plough Tavern, so that these few remaining landmarks of York's rich historical heritage may inspire our citizenry and contribute to our community's economic growth by the attraction of tourists.

"4—To review, when received, the recommendations of Rotival Associates for the rehabilitation of our city and, after consultation with other public and private groups, to implement those recommendations on a selective and progressive basis in keeping with the resources of our community.

"City Charter"—The voters of the city of York elected a non-partisan Charter commission to study the structure of our city government and to recommend to them the form of government best suited to the needs of our community. After diligent and thoughtful inquiry the commission recommended that our city change to a Mayor Council plan, dividing executive and legislative responsibility, and employ an administrative officer, professionally trained, to supervise the administration of the several departments of City government.

"We pledge ourselves to enact the necessary ordinance to create an administrative office, as recommended by the Charter Commission, if the voters accept the recommendation of the Commission to change the structure of City government.

"Police and Police Procedures."—An alert police department is indispensable to the safety and well-being of the citizens of York. To help assure the city of such a department, a professionally trained police commissioner was appointed to supervise the training and activities of the department, promotions within the department were placed on a civil service basis and a program of in-service training was initiated.

"To improve further the police department and police procedures, we pledge ourselves:

"1—To require all new recruits to the police force to attend the Pennsylvania State Police Academy at Hershey, Pennsylvania, for comprehensive instruction in all phases of police work and police procedures and to expand the program of sending experienced policemen to advanced courses in police work and procedures at recognized schools.

"2—To make available to all arrested persons a printed pamphlet setting out their rights as arrested persons upon their being taken into custody.

"3—To establish a Police Review Board consisting of 3 or 5 disinterested persons who, upon complaint of a citizen regarding action of the

police, shall make findings of fact which shall be made available to the complainant, the Police Commissioner, and the City Council.

"Economy in Government"—The residents of the City of York pay less taxes to operate their city government than almost any other third-class city in southeastern and south-central Pennsylvania. Among the twelve third-class cities in this area, York ranked eleventh for the year 1958 in the taxes it paid (on a per capita basis) for its services, according to the Bureau of Municipal Affairs.

"We pledge ourselves to conduct the house-keeping functions of city government on an economical and efficient basis, while moving progressively forward to provide our city with public services which will make our city a better and more attractive place in which to live, and a more desirable place in which to work and conduct business."

In addition to Mayor Schiding other candidates are Wilbur G. Baker and Walter O. Minter for councilmen, Ralph M. Schaffner for treasurer, and Nevin W. Witmyer for controller.

POLICE REVIEW BOARD

The York chapter of the Civil Liberties Union of Pennsylvania — which is an affiliate of the well-known American Civil Liberties Union — submitted some time ago to a committee of the county Democrats a proposal that a citizen's review board be established to hear complaints about the city's police department.

The Democratic platform for city candidates contains a modified version of the ACLU proposal. We consider this a step toward better city government, not only because of the indicated need here for such a review board but also because experience with a review board in Philadelphia has proved that they help a community.

The York ACLU chapter had suggested that five persons be named to the review board, one by the York County Bar Association, one by the President judge of the Common Pleas court, one by the Ministerial Association, one by the District Attorney and one by the mayor of York. The composition of the board, then, would be all-civilian, as is the case in Philadelphia.

The platform plank of the county Democrats does not refer either to appointment procedure or to the need for an all-civilian committee — and it suggests either a three or five-member board. We think the omission of the method of appointing the committee, and of its essential civilian character, ought to be rectified by the Democrats during the campaign. At the very least, recommendations for membership on the board should be sought from the organizations and individuals mentioned by the ACLU and the nominations to the board be made from the list of those recommended.

PHILADELPHIA DIVISION 57

THE GAZETTE AND DAILY

YORK, PA.

EDITOR: J. W. GITT

DATE 9/24/59

EDITION

PAGE 20

COLUMN 1

TITLE OF CASE

61-190-786

ENCLOSURE

In Philadelphia the review board has not taken the place of an established Police Department board, which deals with internal disciplinary matters. But the review board is empowered to hold hearings on specific complaints from citizens and to make recommendations on the specific cases as well as on general reforms which the hearings may suggest. The Philadelphia review board reports to the Police Commissioner, who is the final authority for disciplining police. In York, presumably, the board would report to the mayor.

Of course the objective in establishing such a civilian review board is to insure as far as possible a fair and impartial investigation of citizen grievances in order that the community, as a whole, can benefit from the improvement of police procedures and practices. Most of us realize that there is a tendency in institutions such as a police department to develop protective attitudes and to regard any complaint against a member of the institution, no matter how justified, as a threat. Thus it is very difficult, to say the least, to secure an impartial and objective study of a citizen grievance from the very institution against which the complaint is brought.

One has to look at this problem in the broad perspective of democratic rights as well as of common sense, which tells us, by the way, that no police department can be perfect. Police policies and practices are a public concern in a democracy. And the way weaknesses in policies and practices come to public attention is largely through individual citizen complaints. Therefore it is in the public interest to have these complaints thoroughly and fairly investi-

gated in order that the public may know what changes ought to be made. We understand that the review board in Philadelphia has served a most useful purpose in this regard.

The York county Democrats have pledged themselves, now, to a police review board in the city of York. There is no point in thinking about a board that will fall short of the objective of completely impartial investigation and of reforms based on sound findings. Let us hope this is what the Democrats mean by their pledge and let us hope further that the party's candidate for mayor understands and is in thorough sympathy with his party's pledge.

FEATURE PRESS SERVICE

AMERICAN CIVIL LIBERTIES UNION, 170 FIFTH AVENUE, NEW YORK 10, N.Y.

ERNEST ANGELL
Chairman
Board of Directors

EDWARD J. ENNIS
OSMOND K. FRAENKEL
General Counsel

PATRICK MURPHY MALIN
Executive Director

ORegon 5-5990

WEEKLY BULLETIN #2009

Alan Reitman, Assistant Director
in Charge of Public Relations
September 14, 1959

ACLU FILES PETITION FOR REHEARING IN BARENBLATT CASE

Two new legal efforts have been made by the American Civil Liberties Union to test again the constitutionality of the House Un-American Activities Committee. The civil liberties group made public two briefs which argued that the right of freedom and association outweighs any value arising from the House Committee's investigations of Communism.

The ACLU released a petition for a rehearing it has submitted to the Supreme Court in the case of Lloyd Barenblatt, the former Vassar College psychology instructor, whose conviction for contempt of Congress was upheld by the high court in a 5-4 decision on June 8. Barenblatt, on First Amendment grounds, had refused to answer the House Committee's questions concerning his alleged Communist associations while he was a student at the University of Michigan. The ACLU handled Barenblatt's appeal to the Supreme Court.

The second legal action concerned Frank Wilkinson of Los Angeles, who was convicted for contempt of Congress and sentenced to a year in prison for refusing to answer the House Committee's questions pertaining to his alleged Communist Party membership and associations. The ACLU made public a brief filed with the U. S. Circuit Court of Appeals by Rowland Watts, its staff counsel, who is acting as Wilkinson's attorney because of the key constitutional issues in the case.

The Supreme Court ruled in the Barenblatt case that legislative investigations into Communism were proper because the nation's interest in defending itself against Communism was greater than the individual's interest in not disclosing his political associations. This "judicial balancing doctrine" needs further examination, the ACLU petition declared, adding, that until the Barenblatt decision "it had been settled constitutional doctrine that freedom of speech and association, expressly protected... against any governmental infringement, has a special constitutional status not subject to being outweighed except by a proved most compelling interest."

The high court's failure to consider sufficiently First Amendment rights is particularly harmful, the ACLU said, because the trial record in the Barenblatt case did not reveal that "forcible overthrow of our Government is an actual objective of the Communist Party of the United States for the present or near future." The petition stated that "conclusive weight" was given only to a view, or an unsupported opinion, as to the Communist Party's intention. This, the ACLU said, "abandons any judicial balancing and permits suspension of First Amendment rights whenever a Congressional committee asserts that it is investigating Communism and asks any witness about past or present Communist association."

Pressing hard its claim that not only the individual's right of speech and association but the public's interest in full freedom of expression is threatened by wide-ranging Congressional investigations into Communism, the ACLU emphasized that the Supreme Court had held in past cases the public's stake in free speech to be extremely important. "It is submitted," the petition stated, "that the Court upon rehearing should determine the weight to be given to this public interest and should redetermine the balance between the state interest in investigating communism and the public as well as the individual interest in freedom of speech and association... so that the extent of the public interest in cases of this character may be known to the legislative committees and the public."

The ACLU petition also renewed the argument that the House Committee's purpose is not primarily the gathering of information to frame legislation, but the exposure of persons who testify about their Communist record or refuse to answer the Committee's questions. Agreeing that Congress may investigate an area in which it has the power to legislate, the ACLU said the Barenblatt case was one where the intention was "exposure for the sake of exposure, without legislation."

A REGULAR WEEKLY SERVICE. FURTHER INFORMATION FURNISHED ON REQUEST.

67 SEP 28 1959

The petition's final point concerned the vagueness of the term, "un-American propaganda," in the 1937 mandate authorizing the House Committee's investigations. Asserting that the high court had relied on the "gloss of legislative history" to define the term, the ACLU noted that this clashed with previous decisions requiring laws, particularly criminal laws, to be clearly and definitely written. The ACLU also raised the question whether in view of the mandate's vagueness, the Court's recent judicial interpretation should apply only to future witnesses heard by the House Committee and not to Barenblatt and others who were convicted before the high court gave its interpretation.

In the Wilkinson case the ACLU brief noted that Wilkinson had not been subpoenaed until the Committee discovered that he had arrived in Atlanta to organize public opposition to the Committee's hearings into alleged Communist influence in the South. Wilkinson's activity was a perfectly proper exercise of his right to ask the public to petition Congress to redress grievances which the Congress itself was perpetrating and the Committee, in this context, had no constitutional authority to require that he testify on his alleged Communist connections. The brief drew a parallel between Wilkinson's activity and regular lobbying, stressing that in the Rumley v. U. S. case, a registered lobbyist was not required to divulge to a congressional committee the names of those persons who had purchased certain books.

"We submit," the brief said, "that if a person cannot be required to divulge the recipients of his lobbying propaganda when testifying before a committee investigating lobbying activities, he cannot be forced under the mandate of the House Committee..., which has no authority or jurisdiction over the Lobbying Act, to divulge either his sources of support or the motivation of his activities in this regard."

Pointing to the Supreme Court's Barenblatt opinion which held that it was deciding only the particular case before it, the ACLU brief said the situation in Wilkinson's case is different. "It is not enough," the ACLU declared, "that the investigation before a proper legislative purpose and that the question asked, in the abstract, have some reasonable relationship to that purpose. There must be a reasonable and logical nexus between the person subpoenaed and the specific purpose of the investigation before he can be called. The Committee has no right to call in 'the man on the street' just because he happens to be on that street."

The brief also argued that the Supreme Court's minority dissent in the Barenblatt case which stressed the supremacy of free speech and association over the House Committee's investigation should be upheld, and that the Committee's mandate was a violation of due process because of its vague language.

KOSHER MARKET WINS RIGHT TO STAY OPEN ON SUNDAY

A kosher supermarket in Springfield, Mass., its Orthodox Jewish shoppers and a local rabbi have been successful in their joint attempt to invalidate Massachusetts' Sunday Closing Law on grounds that the law discriminates against those who observe some other day than Sunday as the Sabbath.

A three-judge Federal District Court panel held two to one that the Massachusetts Lord's Day Act violates the Fourteenth Amendment to the Constitution. As a result the Crown Kosher Supermarket will be able to conduct its business on Sunday without interference from local police.

The supermarket, the only such establishment within 26 miles, closed each Friday at sundown to conform with the Sabbath laws of the Hebrew religion but has been opened to business Sundays to offer weekend service to its customers, many of whom live many miles from the specialty grocery store. The market makes more than a third of its week's gross on Sunday.

In its effort to understand the circumstances surrounding the Lord's Day Act, the court traced the legislation back to 1653.

The conclusion of the court declared that "What Massachusetts has done in this statute is to furnish special protection to the dominant Christian sects which celebrate Sunday as the Lord's day, without furnishing such protection...to those Christian sects and to...Jews who observe Saturday as the Sabbath, and to the prejudice of the latter group."

The court also pointed out that not only the store, but also shoppers who remain faithful would be under a serious disadvantage if their only store were to be closed on both weekend days. As well, the court noted that the rabbis would be hindered in their efforts to preserve due observance of the Hebrew Sabbath and the dietary laws.

"The statute arbitrarily requires Crown market to be closed on Sunday, thereby causing the corporate plaintiff to lose potential sales and be denied the right to use his property on Sunday, with result of depriving the corporate plaintiff of liberty and property...without due process of law, contrary to the Fourteenth Amendment," the court concluded.

BAN ON MINORITY PARTY NEWSSTANDS PROTESTED BY NORTHERN CALIFORNIA ACLU

The banning of Socialist Labor Party newsstands from the streets of Sacramento, California has met with strong criticism from the American Civil Liberties Union of Northern California.

Adopting the recommendation of its City Attorney, Everett M. Glenn, the City Council of Sacramento barred the six self-service newsstands of the Weekly People, published by the Socialist Labor Party of America, from downtown Sacramento streets on grounds that "...its primary purpose is to foster certain political and economic views. It is not a newspaper that is generally sold on streets and delivered by carrier throughout the community."

In protesting the action, the ACLU affiliate charged that not only was this a violation of freedom of expression, but also constituted discrimination against small newspapers which could not afford carriers.

The Union, in refuting Glenn's statement that "...no religious sect or other group maintains such stands," observed that the Christian Science Monitor has self-service newsstands in Sacramento. "If it wished," the Union said, "Sacramento could bar all self-service newsstands from the streets...but if it allows any newspaper to put its racks on the streets it must extend that privilege to all newspapers on the same basis."

JUVENILE COURT ACT REVISION PROPOSED BY PENNSYLVANIA CLU

In an effort to separate the trial of a juvenile offender from the disposition of his case, the American Civil Liberties Union of Pennsylvania has proposed major changes in Pennsylvania's Juvenile Court Act.

Under the present act, the PCLU charges, the following practices are permitted: 1) A child may be uninformed of the charges against him, making him unable to prepare defense; 2) Testimony based on hearsay and gossip may be used to convict a child; 3) Before a judge decides whether or not the child has committed an offense, the judge can read a probation officer's secret report, making recommendations for the disposition of the case. Neither the child nor his lawyer is permitted to see the report, which may contain unproved statements and opinions unfit as evidence.

The civil liberties group's proposal for the act's revision includes the following recommendations: 1) The juvenile's lawyer should be permitted to see all records relating to the case; 2) Detailed charges must be set forth before the juvenile is placed under the court's jurisdiction; 3) No juvenile may be held more than 48 hours before having a preliminary hearing before a judge; 4) If the juvenile is held for court, he or his lawyer must be given a written statement of the facts upon which the charges against him are based; 5) Any juvenile charged with illegal conduct shall have a court hearing where he shall be given the chance to deny or admit the charges against him. Another hearing date is then set.

It is toward this second hearing that the Pennsylvania CLU's major recommendation is directed: Each juvenile who denies commission of the acts shall have the right to full disclosure of the evidence, confrontation and examination of witnesses, and application of the rules of evidence prevailing in other Pennsylvania courts. If the court finds that he did not commit the acts, he must be discharged immediately. If the court finds he did commit the acts, it will then order a pre-disposition investigation and report, and will fix a date for a disposition hearing, at which the judge may dispose of the case according to the present provisions of the act.

Legislation embracing these recommendations has been introduced, but it is not receiving much attention. However, more success has been scored on the local court level in Philadelphia. After the Philadelphia ABA endorsed the changes and the District Attorney's office accepted them in substance, a conference of the ACLU and these groups and several judges resulted in the adoption of most of the recommendations in the form of rules of court.

ACLU LAUDS NETWORK SHOWING OF NIXON-KHRUSHCHEV INTERVIEW

The decision of the three major television networks to show the taped TV interview between Vice President Nixon and Soviet Premier Khrushchev last summer drew praise from the American Civil Liberties Union.

The programs were presented in spite of a strong State Department urging that the showing be held up until it could be simultaneously released in the Soviet Union. Network spokesmen reported that the Russians had threatened to withhold the tape in the Soviet Union if it was shown first in the United States.

In letters to presidents of the three major networks, Robert Sarnoff of the National Broadcasting Company, Leonard Goldenson of the American Broadcasting Company,

and Frank Stanton of the Columbia Broadcasting Company, the ACLU commended the networks for recognizing their primary obligation to present such important news to the public as quickly as possible.

The ACLU letter stated that "this was a demonstration of television news programming in the public interest that points up sharply how the medium can be effectively used for the purpose of communicating information and ideas, a use which the First Amendment underscores."

THREE NEW ACLU AFFILIATES APPROVED, TOTAL NOW 27

The American Civil Liberties Union's Board of Directors has approved the charter of three new affiliates in Arizona, Utah and Rhode Island, bringing the total number of affiliates to twenty-seven.

Geographically the new Arizona and Utah groups create a more even distribution of affiliates over the nation with a concentration of ACLU organizations in the Northeastern and Western portions of the country. The South and Plains-Mountain region remain as the sparsely-organized areas, although the chartering of the Arizona and Utah affiliates fills the gap in the latter region.

The twenty-seven ACLU affiliates include six city affiliates, each having jurisdiction over a city or limited portion of a state. The local remaining affiliates are state-wide organizations. There are fifty ACLU chapters of affiliates.

Officers of the three new affiliates include E. R. Michaud, president, and Dr. Cornelius Steelink, vice-president, of the Arizona Civil Liberties Union; Adam M. Duncan, chairman of the Utah Civil Liberties Union, and Milton Stanzler, chairman of the Rhode Island Civil Liberties Union.

Michaud is a Phoenix businessman and member of the Phoenix Equal Rights Committee. Dr. Steelink is an assistant professor of chemistry at the University of Arizona in Tucson.

The Utah GLU's chairman, Adam Duncan, is an attorney and member of the state legislature. He is an active member of the Church of the Latter Day Saints and serves on the Utah Advisory Committee to the U. S. Commission on Civil Rights.

Milton Stanzler, a long-time member of the ACLU and Rhode Island state correspondent for the past five years, is a Providence attorney.

CIVIL LIBERTIES BRIEFS

THE ILLINOIS Division of the ACLU has challenged a statement by a police officer, quoted in the newspapers, that the police censor board rules anything derogatory against this country out of foreign films. The ACLU unit asked the police commissioner to confirm or deny the officer's claim that "nothing pink or red is allowed" by police in imported films...THE ACLU of Northern California has opposed a ruling by the dean of students at the University of California at Berkeley. The ruling was that student groups cannot take positions with respect to off-campus issues. The ACLU group contends that state statutes do not bar such activities and if they did, the reference would have to be far more specific...IN THE piney woods section of Mississippi, the publisher of the newspaper, "The Petal Paper," has fought a remarkable battle for law and order. Ever since the Supreme Court decision, publisher P. D. East has advocated obeying the law, attacked bigotry and seen his local circulation drop to zero. A group called "Friends of P. D. East" has now been formed. The group asks for contributions (Alfred Hassler, Treasurer, Box 271, Nyack, New York) or for direct subscriptions to the paper, \$5 per year...THE FAIR Campaign Practices Committee, Inc. reports that far more candidates used its code of fair practices in the 1958 elections than in earlier ones.

A FEDERAL district judge in Macon, Ga. has struck down the most important section of the Civil Rights Act of 1957. Judge T. Hoyt Davis ruled unconstitutional the provisions allowing the Federal Government to seek injunctions on behalf of Negro voting rights. The Justice Department immediately announced it will appeal...THE MAYOR of Minneapolis is reported to have banned a performance of Les Ballets Africains which would have included dancing with bare bosoms...THE AMERICAN Legion publication, "Firing Line," has congratulated the Bristol Township School Board in Pennsylvania for changing the name of a new school from the J. Robert Oppenheimer High School to Woodrow Wilson High School. The 1958 national Legion convention had adopted a resolution desiring the name change and calling Oppenheimer a "discredited atomic scientist"...THE ILLINOIS Division of ACLU has announced opposition to a proposed state bill to give newspaper reporters the right to decline to identify in legal proceedings the sources for their stories...THE GREATER Philadelphia Branch of ACLU wants the Department of Welfare there to withdraw a ban on giving birth control information to relief recipients. It says that it is wrong for government to adopt a general policy out of deference to sectarian religious views.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach

DATE: September 3, 1959

FROM : M. A. Jones

Tolson _____
 Belmont _____
 DeLoach _____
 McGuire _____
 Mohr _____
 Parsons _____
 Rosen _____
 Tamm _____
 Trotter _____
 W.C. Sullivan _____
 Tele. Room _____
 Holloman _____
 Gandy _____

SUBJECT: LAWRENCE SPEISER - COMMUNIST
DIRECTOR, WASHINGTON OFFICE
AMERICAN CIVIL LIBERTIES UNION

BACKGROUND:

According to newspaper article captioned individual has been named Washington Director of American Civil Liberties Union (ACLU). Described as 36 and counsel for ACLU in Northern California from 1952 to 1957. He succeeds Irving Ferman. Director noted "What do we know of Speiser?"

BIOGRAPHICAL DATA:

Current law directory reflects Speiser born 1923. Received A. B. degree and LL. B. degree from University of California. Naval Intelligence report dated 1-23-57 reflects additional biographical data indicating Speiser served in Air Force; was active in student politics at University of California and was rumored to be a communist. Signed student request to have Henry Wallace address student body.

INFORMATION IN BUFILES:

Bufiles reflect numerous copies of reports we have received from the Office of Naval Intelligence wherein Speiser was either counsel for or advised various individuals with subversive backgrounds who were under investigation by the Office of Naval Intelligence or who refused to sign loyalty oaths.

Files further reflect that Speiser has defended many individuals who were either communist or procommunist, many of whom have been the subject of Bureau cases and Security Index subjects of our San Francisco Office. The House Committee on Un-American Activities held hearings in San Francisco concerning communist activities in both 1953 and 1956. On both occasions Speiser represented individuals who were called before the Committee.

On 7-22-59 Clinton E. Jencks testified before the House Committee on Un-American Activities in Washington, D. C. He was accompanied by his attorney Lawrence Speiser. It should be noted that Jencks testified in Executive Session, and we obtained a transcript of the testimony on a highly confidential basis, and the fact that we have it should not be disclosed.

MAR 22 1960
 SEP 16 1959
 Mr. DeLoach
 DGH:sfc (8)

REC-65

EX 105

18 SEP 11 1959

CRIME RECORDS

Jones to DeLoach memo

We have had only very limited contact with Speiser. In 1952 he was interviewed by an Agent of San Francisco Office in an Applicant case and was apparently cooperative. Our San Francisco Office has conducted considerable investigation concerning one Nelson Tucker, a former Security Index subject of the San Francisco Office. In March, 1954, San Francisco advised that Speiser had directed a letter to that office saying that in December, 1953, Tucker was requested to appear at our Oakland Resident Agency for interview, was interviewed by four or five Agents one of whom referred to the ACLU as a communist front. Speiser wanted to know whether such a statement had been made. We checked into this matter and found his allegation was false and he was so advised. In 1955 Speiser requested then SAC Whalen of our San Francisco Office to speak before monthly meeting of the lawyers who belonged to the ACLU of Northern California. Whalen pointed out the invitation was probably extended so they could "needle" the FBI, and he also pointed out that we had considerable trouble with Ernest Besig, Director of the ACLU of Northern California. Whalen said Besig and Speiser had represented communists and procommunists almost exclusively in recent years in the San Francisco area. The speaking engagement was declined.

RECOMMENDATION:

None. For the Director's information.

✓ D
Suggest House
Committee be — yes.
alerted to
Speiser's
designation *Acquiesced*
✓ *Done*
File

DETAILS

BACKGROUND:

According to "The Washington Post and Times Herald" of 9-2-59, Lawrence Speiser of San Francisco has been named Washington Director of the American Civil Liberties Union. The paper states that Speiser who is 36 was a counsel for the organization in Northern California from 1952 to 1957. He will assume his new post on September 14. Speiser succeeds Irving Ferman who resigned in June to become Executive Vice Chairman of the President's Committee on Government Contracts.

In connection with this news article, the Director noted "What do we know of Speiser?"

BIOGRAPHICAL DATA:

The current Martindale-Hubbell Law Directory reflects that Lawrence Speiser was born in 1923 and was admitted to the Bar in 1952. He received both his A.B. degree and his LL.B. degree from the University of California.

A Navy Intelligence report dated 1-23-57 reflects the following additional information concerning Speiser: He attended the University of California at Los Angeles prior to entering the U.S. Air Force. He received an A.B. in physics from the University of California, Berkeley, and was graduated from Hastings College of Law (University of California), San Francisco, in 1951. Since 1952 he has been with the law firm of Thomas L. Berkley, Berkeley, California. Speiser is married and has one child. According to the Naval Intelligence report he was active in University of California student politics, and it was rumored on the campus that he was a communist. He signed a student request to have Henry Wallace, U.S. Presidential candidate of the communist dominated Progressive Party, address University of California students. As staff counsel and member of the local Executive Committee of the American Civil Liberties Union of Northern California of which he has been a member since 1951, he has defended several individuals who have objected to signing loyalty oaths; challenged the constitutionality of the California State Veterans Tax Exemption Loyalty Oath in 1954; in two suits filed in California's Contra Costa County Superior Court which suits won a favorable decision in 1955. (100-370896-3)

INFORMATION IN BUFILES:

Office of Naval Intelligence Reports:

We have in our files numerous copies of reports we received from the Office of Naval Intelligence wherein Speiser was either counsel for or advised various individuals with subversive backgrounds who were under investigation by the Office of Naval Intelligence or who refused to sign loyalty oaths.

Miscellaneous References in Bufiles:

In 1952-53 we conducted a full-field investigation concerning one Nelson Tucker who was being considered for employment by the Department of the Army in Oakland, California. Tucker was called before a Loyalty-Security Hearing Board at the Presidio of San Francisco and was represented at the hearing by Lawrence Speiser. (121-35374-17)

According to the printed testimony of the hearings before the House Committee on Un-American Activities investigating communist activities in the San Francisco area in December, 1953, Speiser represented numerous individuals who were called before the Committee. (It should be noted that a number of these individuals whom Speiser represented were subjects of Security-type investigations which we had or were conducting. (61-7582-2205)

In the early 1950's the Bureau conducted considerable investigation concerning one John Arthur Leary under a Security Matter - C character. Leary had been a former communist. Leary was interviewed by Agents of the San Francisco Office in November, 1953, and was non-cooperative. Shortly after this interview, Leary wrote a letter to the San Francisco Office indicating that he had been in contact with his attorney, Lawrence Speiser, and he indicated that he did not want any additional contact by the FBI unless his attorney was present. (100-367679-19)

An article appearing in the "San Francisco Chronicle" of 4-24-55 indicates that on the following evening Lawrence Speiser, Staff Counsel for the Northern California branch of the American Civil Liberties Union, would address a meeting of the Marin County members of that organization. The California loyalty oath was to be the subject of his talk.

One Travis Lafferty of Oakland, California, a Security Index subject of our San Francisco Office, was represented before a hearing at the Federal Communications Commission, Washington, D. C., by Speiser. Lafferty was applying for renewal of his radio operators license. (100-251796-19)

In 1956 we conducted a Security of Government Employees-type investigation concerning one [] who was connected with the Department of the Army. [] had been a member of the International Workers Order and both of his parents were considered communists. [] was interviewed at length by Counter Intelligence Corps (CIC) representative and finally stated he would refuse to give a statement concerning his past activities unless his attorney was present. His attorney was Lawrence Speiser. (121-41501-16)

The printed testimony of the hearings held by the House Committee on Un-American Activities into communist political subversion, held in San Francisco, December 11, 1956, reflects that Speiser again represented one of the individuals who was called before the Committee. (100-3-72-1519)

✓ According to a news article which appeared in the "San Francisco Examiner," 10-14-58, rehearings in a group of cases nullifying a California law requiring loyalty oaths were denied by the U.S. Supreme Court the previous day. The article stated the loyalty oath requirement was held unconstitutional. The story stated that rehearings were sought by San Francisco and Contra Costa County in cases involving attorney Lawrence Speiser and Daniel Prince, former Chairman of Americans for Democratic Action. The story continues that Speiser and Prince, both veterans of World War II, challenged the constitutionality of the state law after refusing to sign the loyalty oath in connection with their applications for the \$1000 county property tax exemption granted to war veterans. (100-0-A)

✓ On 7-22-59 Clinton E. Jencks testified before the House Committee on Un-American Activities in Washington, D. C. He was accompanied by his attorney, Lawrence Speiser of the law firm of Haet, Dominquez, Speiser and Williams. It should be pointed out that Jencks testified in Executive Session and we obtained a transcript of the testimony on a highly-confidential basis and the fact that we have it should not be disclosed. (100-39680-144)

Contacts with the Bureau:

In 1952 Speiser was interviewed by an Agent of our San Francisco Office in connection with an Applicant-type investigation. From a review of the file concerning this interview, it would appear that he was cooperative. (128-4153)

Our San Francisco Office has conducted considerable investigation concerning one Nelson Tucker, a ^{former} Security Index subject of the San Francisco Office. By airtel dated 3-19-54 San Francisco advised that Lawrence Speiser had directed a letter to the San Francisco Office stating that in December, 1953, Tucker was requested to appear at our Oakland Resident Agency for an interview. Speiser in his letter claimed that Tucker was interviewed by four or five Agents, one of whom referred to the American Civil Liberties Union as a communist front. Speiser inquired to determine whether such a statement was made. The San Francisco Office advised that Tucker voluntarily appeared at the office, was interviewed by two Agents both of whom categorically denied that they ever made such a statement. Tucker had appeared at our San Francisco Office with his [redacted]. We instructed our San Francisco Office to immediately obtain a signed statement from Mrs. [redacted] contact Speiser and set him straight as to facts. San Francisco subsequently advised that Mrs. [redacted] had furnished a voluntary signed statement refuting the allegation and that Speiser had been set straight. San Francisco was advised that Tucker stated he had been well treated in the interview, denied telling Speiser that more than two Agents interviewed him and further denied having related that Agents told him that the American Civil Liberties Union was a communist front. The Director noted "Would it not be well for Nichols to tell ACLU in New York re this as another instance of San Francisco ACLU misstatements." Mr. Nichols did this by calling Herbert Levy, General Counsel of the American Civil Liberties Union. Levy stated that he was surprised to hear this, but he appreciated having the information and said he would be on the alert for any inclination on the part of Speiser to exaggerate in which event he would jump him rather severely. (100-391928-14) b6 b7C

By airtel dated 8-23-55 SAC William Whalen of our San Francisco Office forwarded a copy of a letter which he had received from Speiser. Speiser was inviting him to speak before the monthly meeting of the lawyers who belonged to the American Civil Liberties Union of Northern California. Whalen pointed out that Ernest Besig, the Director of the American Civil Liberties Union of Northern California, had interfered with Security subjects in numerous investigations to the extent that the Bureau had prohibited the San Francisco Office from accepting phone calls from him or corresponding with him in any way. Whalen pointed out that the invitation was probably extended so they could "needle" the FBI, and he also pointed out that both Besig and Speiser had represented communists and procommunists almost exclusively in recent years in the San Francisco area. Whalen was instructed to decline the speaking engagement by letter to Speiser. (61-190-548)

1 - Mr. [REDACTED]

October 2, 1959

REC-3

EX-105

Mr. [REDACTED]

Boston 15, Massachusetts

Dear Mr. [REDACTED]

Your letter dated September 26, 1959, has been received, and the interest which prompted your communication is indeed appreciated.

As you may be aware, information in the files of the FBI is maintained as confidential and available only for official use in accordance with a regulation of the Department of Justice. I regret, therefore, that I am unable to furnish you any information from our files. I can advise you, however, that my book, "Masters of Deceit," made no reference to the American Civil Liberties Union.

Sincerely yours,

J. Edgar Hoover
John Edgar Hoover
Director

2 Boston (enclosures - 2)

ATTENTION: SAC, BOSTON

Enclosed are two copies of correspondent's communication. Bufiles contain no identifiable data concerning the correspondent. The Civil Rights Congress, referred to by the correspondent, has been designated by the Attorney General pursuant to Executive Order 10450.

NOTE TO BOSTON, CONTINUED, PAGE TWO

SEE NOTE ON YELLOW, PAGE THREE

Tolson _____
Belmont _____
DeLoach _____
McGuire _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

MAIL ROOM ☐ TELETYPE UNIT ☐

RDS:pw (5)

b6
b7C
Mr.

NOTE TO BOSTON, CONTINUED

The American Civil Liberties Union (ACLU) with headquarters in New York has not been investigated by the Bureau. The Los Angeles chapter of the ACLU has, however, circulated a petition calling for the abolition of the House Committee on Un-American Activities and the Seattle chapter has recommended an investigation of the FBI. SAC Letter 58-82 instructed the field to advise the Bureau of any action being taken by the ACLU to investigate the Bureau. (61-190)

The Bureau is unable to locate Cardinal Cushing's article concerning communism which allegedly appeared in the "Boston American" on September 24, 1959. It is possible the correspondent has reference to a pamphlet entitled "Questions and Answers on Communism" by Cardinal Cushing which possibly has been reprinted in the "Boston American." This pamphlet refers to the ACLU as a communist front and cites as authority page 90 of "Masters of Deceit." After its release Cardinal Cushing furnished a copy of the pamphlet to the Bureau. Upon reviewing his pamphlet, the Bureau directed a letter to Cardinal Cushing dated September 17, 1959, a copy of which was furnished your office, calling to his attention several inaccuracies including the reference to "Masters of Deceit" as indicating the ACLU is a communist front organization. The Cardinal was advised that the organization mentioned in "Masters of Deceit" was the Emergency Civil Liberties Committee.

You should promptly check the September 24, 1959, issue of the "Boston American" to identify the article referred to by the correspondent and advise the Bureau whether this is a reprint of Cardinal Cushing's pamphlet, "Questions and Answers on Communism." If it is an article other than a reprint of this pamphlet, you should obtain copies of the article and furnish same to the Bureau. Your communication concerning this matter should make reference to this communication.

Mr.

b6

b7C

NOTE ON YELLOW:

Correspondent refers to Cardinal Cushing's article and states the Cardinal listed the ACLU as a communist front. Correspondent is concerned since he is a member of the ACLU and believes the Cardinal may have meant to refer to the American Civil Rights Congress. Correspondent requested to be advised if the ACLU is "quoted" in the Director's book or in the files of the FBI as a communist front.

If we advise the correspondent we have not investigated the ACLU, he may construe it as a clearance or an endorsement of the organization by the FBI. In view of the activities of some chapters of this organization, it is believed the above reply will best serve the Bureau's interests.

[Redacted]
Boston 15, Mass.

September 26, 1959

Mr. Edgar Hoover
Federal Bureau of Investigation
Washington, D.C.

b6
b7C

Dear Sir:

On September 24, 1959 appeared an article in the "Boston American" by Cardinal Cushing about Communism. The Cardinal listed in this article the "American Civil Liberties Union" as a Communist Front Organization. He apparently referred to your book "Masters of Deceit".

I belong to the American civil Liberties Union for quite a number of years and was profoundly shocked about this charge. I am inclined to think this is a case of mistaken identity. Perhaps the Cardinal had the "American Civil Rights Congress" in mind.

I would be very much obliged to you to let me know whether the American Civil Liberties Union is quoted in your book or in the files of the F.B.I. as a Communist Front Organization.

Very truly Yours

[Redacted Signature]

REG-361-190-787

EX-105

25 OCT 5 1959

1
Ack.
2- BG W/enca
10-2-59
RDS/pw

W
S-BS

1. Mr. Kleinkauf

SAC, Philadelphia (100-1086)

October 5, 1959

Director, FBI (61-190)

AMERICAN CIVIL LIBERTIES UNION
INFORMATION CONCERNING
(INTERNAL SECURITY)

Reurlet 9/28/59.

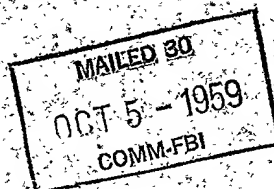
In submitting information in the future concerning captioned organization, the character of your correspondence should be "Information Concerning" and thereafter set forth in parentheses the identity of the Bureau division or section which would handle or which would be most interested in the subject matter of the contents of your communications or documents being enclosed.

JHK:fk
(4)

REC-36

EX-105

14 OCT 6 1959



Tolson _____
Belmont _____
DeLoach _____
McGuire _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
Sullivan _____
Gandy _____

MAIL ROOM ☒ TELETYPE UNIT ☐

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: 10-5-59

FROM : SAC, BOSTON

b6
b7C

SUBJECT:

MR. [REDACTED]

Boston, Massachusetts

AMERICAN CIVIL LIBERTIES
UNIONReBulet 10/2/59 to MR. [REDACTED]
[REDACTED] Boston 15, Massachusetts.

The article contained in the 9/24/59 issue of the Boston American is one of a series run by that paper on, "Questions, Answers on Communism," by His Eminence, Richard Cardinal Cushing. Specifically, the article covers Chapter 8 of this work by the Cardinal.

LLL:maw

Enc.
(3)

REC-5

61-190-789
15 OCT 8 1959

EX-136

EXP. PROC.
OCT 8 1959
34119
53 OCT 13 1959

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: October 14, 1959

FROM : C. D. DeLoach

SUBJECT: LAWRENCE SPEISER, DIRECTOR
WASHINGTON OFFICE
AMERICAN CIVIL LIBERTIES UNION

Tolson	_____
Belmont	_____
DeLoach	_____
McGuire	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
W.C. Sullivan	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

Irving Ferman brought the captioned individual by yesterday afternoon for a brief visit. Speiser succeeded Ferman as Director of the local office of the American Civil Liberties Union (ACLU). He makes a good appearance, appears to be very intelligent, however, is extremely idealistic. He brought up the matter of the "New York Post" series by stating that Dorothy Schiff certainly dealt in yellow journalism and was not to be trusted.

Ferman called me later on to express the opinion that Speiser is somewhat "greenie" but could be handled.

ACTION:

For record purposes.

we are checking files

1 - Mr. Jones

CDD:sak
(3)

*Be most circumspect
in dealing with Speiser.
See that no comment is
made to him re Schiff articles.*

REC-92

61-190-791

OCT 21 1959

Fy 50 OCT 22 1959

CRIME REC.

1 - Mr. [REDACTED]

October 19, 1959

EX 100

REC-94

61-190-792

b6
b7C

Mrs. [REDACTED]

Corvallis, Oregon

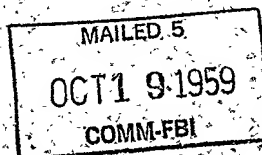
Dear Mrs. [REDACTED]

Your letter dated October 6, 1959, has been received, and the interest which prompted your communication is indeed appreciated.

While I would like to be of assistance, the function of the FBI as a fact-gathering agency does not extend to furnishing evaluations or comments concerning the character or integrity of any individual, publication or organization. Furthermore, information in the files of this Bureau is maintained as confidential and available only for official use in accordance with a regulation of the Department of Justice. I regret, therefore, that I am unable to comply with your request for information.

I am sure you will understand the necessity for this policy and will not infer from my inability to be of assistance that we do or do not have in our files the information you desire.

Sincerely yours,



John Edgar Hoover
Director

2 - Portland (enclosures - 2)

ATTENTION: SAC, PORTLAND

Enclosed are two copies of correspondent's communication. Bufiles contain no identifiable data concerning the correspondent.

NOTE TO PORTLAND, CONTINUED, PAGE TWO

SEE NOTE ON YELLOW, PAGE TWO

RDS:pw (5)

TELETYPE UNIT ☐

Archer

[Handwritten signature]

[Handwritten signature]

nt
ch
re
is

llivan
oom

OCT 23 1959
FV

Mrs. [REDACTED]

b6

b7C

NOTE TO PORTLAND, CONTINUED.

The American Civil Liberties Union (ACLU) with headquarters in New York has not been investigated by the Bureau. The Los Angeles chapter of the ACLU has, however, circulated a petition calling for the abolition of the House Committee on Un-American Activities and the Seattle chapter has recommended an investigation of the FBI. SAC Letter 58-82 instructed the field to advise the Bureau of any action being taken by the ACLU to investigate the Bureau. (61-190)

It is noted that correspondent indicated she has contacted your office. You should promptly advise the Bureau if the correspondent actually contacted your office and, if so, the nature of this contact.

NOTE ON YELLOW:

Correspondent inquired whether the "Civil Liberties Union," apparently referring to the American Civil Liberties Union, is of a communistic or subversive nature. She states she had inquired of the Portland Office but had been referred to the Bureau.

If we advise the correspondent we have not investigated the ACLU, it may be construed as a clearance of this organization by the FBI. In view of the activities of chapters of the ACLU on the west coast and criticisms of the Bureau by the organization, it is believed the above reply will best serve the Bureau's interests.

b6
b7C

TRUE COPY

[REDACTED]
Corvallis, Oregon

October 6, 1959

Federal Bureau of Investigation
Department of Justice
Washington D. C.

Gentlemen:

I am interested in knowing whether the Civil Liberties Union is of a communistic or subversive nature. I previously inquired of Portland, Ore., F.B.I. and have been directed to send my inquiry to your office.

Thank you very much.

Sincerely,

/s/

Mrs. [REDACTED]
[REDACTED]

Corvallis, Ore.

TRUE COPY

SAFEGUARD YOUTH FOR THEY ARE
THE CITIZENS OF TOMORROW

AMERICANISM CAN NOT BE
PRESERVED IN ALCOHOL

CORVALLIS, OREGON

b6
b7C

October 6, 1959

Federal Bureau of Investigation
Department of Justice
Washington D. C.

Gentlemen: AMERICAN CIVIL LIBERTIES UNION

I am interested in knowing whether
the Civil Liberties Union is of a
Communist or subversive nature.

I previously inquired of Portland,
Ore., F. B. I. and have been directed
to send my inquiry to your office.

Thank you very much -

Sincerely,

EX 100

Mrs. [redacted]

REC-94

61-190

79

Corvallis, Ore.

23 OCT 20 1959

ACK.
2 PD w/encs
10-19-59
RDS/par.

5/10/59

RA

REC-37 61-190-793

EX-133

October 28, 1959

Mr. [REDACTED]

Chicago 29, Illinois

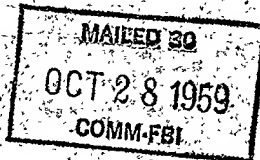
Dear Mr. [REDACTED]

Your letter of October 21, 1959, with enclosures, has been received, and I want to thank you for the interest which prompted you to write. It was indeed good of you to furnish me your views on these matters.

While I would like to be of assistance, I must state in connection with your description of the methods used by your local courts for selecting jurors that the views set forth do not constitute a violation of any statute over which this Bureau has jurisdiction.

Sincerely yours,

J. Edgar Hoover



NOTE: No information identifiable with [REDACTED] was located in Bufiles. [REDACTED] in his letter to the Chicago Daily News defends the right of the public to display religious symbols on public property and is in opposition to the stand taken by Mr. Kenneth Dauty, Executive Director of the Illinois Division of the American Civil Liberties Union (ACLU). The ACLU has sniped at the Bureau in the past but has not been investigated by us nor cited by the Attorney General. In his letter to the State's Attorney, [REDACTED] takes the position that citizens have a constitutional right to sit on a jury and merely because they have read newspapers which support decency they cannot be excluded from jury duty. He feels that to exclude them is to violate their constitutional rights.

BDA:der

Tolson _____
Belmont _____
DeLoach _____
McGuire _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

32 NOV 1 1959 TELETYPE UNIT

Oct 28 2 34 PM '59
REC'D-READING ROOM

Chicago, Illinois
October 21, 1959

EX
Mr. Edgar Hoover
c/o F. B. I.
Washington, D. C.

Dear Mr. Hoover:

Mr. Kenneth Douty, Executive Director, Illinois Division, American Civil Liberties Union, wrote a letter to the Chicago Daily News, which was printed Monday, October 19th, in which he objected to religious displays in the schools of Chicago.

It seems that the "American" way of life is being bombarded through the Arts and media of communication as it has never been before. Knowing your fine record on behalf of our cherished institutions, I am enclosing a copy of the letter I sent in reply to the Daily News. I do not know whether they will print it or not but at least I have expressed my opinion. I also sent a copy to Jack Mabley, columnist for the Daily News and copies to the New World and to [redacted] who is a freshman at Marquette University in Milwaukee who is studying Journalism and Political Science.

The reason I mentioned Jack Mabley and the News and the New World in my letter, perhaps as you know, we had a pornography trial in Chicago and the defense automatically would not accept as jurors any person who read Jack Mabley's column in the News or the New World, presumably because these two had been running columns on the smut situation in Chicago. Now, inasmuch as the jury was supposed to represent contemporary public opinion on these matters and the readers of these two papers are to a certain extent representative of contemporary public opinion, then by being automatically excluded from the jury, they were being denied their constitutional rights to sit on a jury because they read papers and columns who support decency. And, since when, is one denied his constitutional right to sit on a jury because he supports common elementary decency, applicable to all civilizations. The defendants were presumed not guilty under the law before the trial. However, the defense was not acting on this theory of law that you are innocent until proven guilty; if they were, they would not have refused to let readers of these two papers sit as jurors. As I understand the law, as recently interpreted by the Supreme Court, these matters are to be judged by contemporary public opinion, and the jury finally selected did not represent contemporary public opinion but only a small segment of it. Therefore, I would say that Federal laws were violated because the civil rights of those who read the New World and Jack Mabley, were violated.

EX-133
OCT 23-1959
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ENCLOSURE
10-25-59
JLH

EX-133

REC-37

61-190-793

OCT 23-1959

CRIME REC
10-25-59

Mr. Edgar Hoover

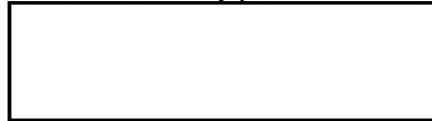
-2-

October 21, 1959

I feel so strongly on this issue that I am writing a letter to the State's Attorney of Cook County, Mr. Ben Adamowski, with a copy to the Daily News, Jack Mabley and The New World. Please find copy enclosed.

I am not acquainted with the devious processes of the law but it appears to me that I have a point here and I would appreciate your reaction if you have a few moments of time to spare me.

Yours truly,

A rectangular box with a black border, used to redact the signature of the sender.

b6
b7C

Chicago 29, Ill.

Chicago, Illinois
October 21, 1959

State's Attorney Benj. Adamowski
Room 507 County Building
118 North Clark St.
Chicago, Illinois

Dear Mr. Adamowski:

As you know, we had a pornography trial in Chicago recently and, from reading the newspapers, I understand that the defense automatically would not accept as jurors any person who read Jack Mabley's column in the News or who read the New World, presumably because these two had been running columns on the smut situation in Chicago.

Now, inasmuch as the jury was supposed to represent contemporary public opinion on these matters and the readers of these two papers are representative of contemporary public opinion, then by being automatically excluded from the jury, they were being denied their constitutional rights to sit on a jury because they read papers and columns who support decency. And, since when, is one denied his constitutional right to sit on a jury because he supports common elementary decency, applicable to all civilizations.

The defendants were presumed not guilty under the law before the trial. However, it appears that the defense was not acting on this theory of law that you are innocent until proven guilty; if they were, they would not have refused to let readers of these two papers sit as jurors, just because they are reading contemporary Chicago papers.

As I understand the law, as recently interpreted by the Supreme Court, these matters are to be judged by contemporary public opinion, and the jury finally selected did not represent contemporary public opinion. Therefore, one might say that Federal laws were violated because the civil rights of those who read the column of Jack Mabley in the News and who read the New World, were violated, inasmuch as they were barred simply because they were readers of two papers which certainly are an integral part of our contemporary public opinion in this area.

As a lawyer, perhaps you may be able to find legal support for my argument and an appeal to a higher court may be in order.

Yours truly,

[Redacted Signature]

Chicago 29

b6
b7C

cc: - The Chicago Daily News - Jack Mabley - The New World

61-190-793
Mr. Hoover ENCLOSURE

Chicago, Illinois
October 21, 1959

The Editor
Chicago Daily News
400 West Madison St.
Chicago, Illinois

Dear Sir:

I am amused at Mr. Kenneth Douty's objections to religious symbols on public property. Public property such as schools are owned by the people, not by the City, State or Government. If the people who own these schools desire to celebrate the birth of Christ, they are not violating their own civil rights; they are exercising them.

Separation of Church and State in this beloved Country of ours does not mean that the public displays of religious symbols in our public schools is unconstitutional. It only means that the Government cannot tell us what to believe or not to believe, or force us what to believe through State-owned institutions. Practically all Americans believe in the birth of Christ or they wouldn't be rushing around like mad in the terrible crowds at Christmastime picking out presents for their loved ones, practicing a custom that had its origin centuries ago when Christ was born.

If those who object to a public display of the birth of Christ in the schools around Christmas are scandalized, they can go to a private school or they can organize one which will not have religious displays and no one, not even the Government, will interfere.

Mr. Douty states "at a time of the year especially dedicated to building good will....." For his information, there would be no time of building good will at this time of the year without Christmas and there would be no Christmas to spread good will if Christ hadn't been born.

Mr. Douty would be far more effective in putting his talents to work in ascertaining why the civil rights of people who read the Chicago Daily News and Jack Abley's column and the New World were denied their constitutional right to sit on a jury as contemporary peers in judging matters of alleged pornography was denied; or haven't these people the right to read these papers. Or, if he wished, Mr. Douty could go to Russia. There are no religious displays in the schools there but there are plenty of civil rights being violated, and he would have a field day.

Yours truly,

61-140-702
ENCLOSURE

b6
b7C
- Chicago 29

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: 10/30/59

FROM : SAC, Portland (100-9055)

SUBJECT:

Mrs. [REDACTED]

b6
b7C

Corvallis, Oregon

MISCELLANEOUS - INFORMATION CONCERNING

ay AMERICAN CIVIL LIBERTIES UNION

ReBulet addressed to Mrs. [REDACTED] dated 10/19/59.

For the information of the Bureau, Mrs. [REDACTED] directed a letter to the Portland Office on 9/1/59, inquiring if the Civil Liberties Union was a subversive or Communistic front organization. Her letter was appropriately acknowledged, and in the course of the reply she was told that inquiry concerning the subversive nature of an organization should be directed to the Department of Justice, Washington, D. C., attention of Subversive Organization Section, Internal Security Division.

2 Bureau
1 Portland

WSB:lam
(3)

14

7C

REC- 38

61-190-794

Z NOV 3 1959

89 NOV 10 1959

EX-133

INT. SEC.
[Signature]

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (61-190)

DATE: 11/24/59

FROM : SAC, NEW YORK (100-10159)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION
INFORMATION CONCERNING
IS-R

The 9/24/59, issue of the "New York Post" carried

an article entitled, "CCNY Prof. Heads ACLU'S Academic Freedom Committee". The article stated Prof. SAMUEL HENDEL, Chairman of the Government Department at City College, has been elected Chairman of the Academic Freedom Committee of the American Civil Liberties Union. Other officers elected were EDWIN LINVILLE, First Vice-Chairman; JUSTUS RUCHLER, Second Vice-Chairman; ARTHUR W. MURPHY and HERBERT PROSHKER, Counsel, and H. HARRY GILES, Executive Officer.

A check of the indices and a review of the files of the NYO disclosed the following information concerning the new members added to the Board of the American Civil Liberties Union (ACLU).

SAMUEL HENDEL
Chairman of the Government Department
City College of New York

b6
b7C

In January, 1954, Miss [redacted] Clerk, President's Office, CCNY, 134th Street and Convent Avenue, NYC, made available the file of SAMUEL HENDEL which contained the following background information:

Staff Personnel Form A, dated 3/27/41, indicated that SAMUEL HENDEL, 105 Haven Avenue, NYC, was born 7/6/09, NYC. He was married to CLARA HOCH HENDEL received a BS in Social Science from CCNY in 1936; LLB, Brooklyn Law School September, 1927 - June, 1930; PHD, Columbia September, 1936 - March, 1941.

- 2 - Bureau (61-190) (RM)
1 - New York (100-10159)

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NY 100-10159

In March, 1951, he completed another form and furnished additional information. He indicated his residence as 23 Haven Street, children two, seven and eleven years of age. Education PHD, Columbia University 1948, thesis, "Charles Evans Hughes and the Supreme Court". Employment: Tutor, CCNY 1941; Instructor CCNY, 1942; Assistant Professor CCNY 1949; Acting Associate Dean, CCNY, 1950-1951; Practiced law in NYC 1931-1940. Membership in Organizations: American Political Science Association, American Association of University Professors, President, City College Staff Organization.

On 11/18/41, he furnished his address as 1560 Selwyn Avenue, Bronx, NY. He indicated he was appointed by Governor of New York as Special Assistant to the Attorney General to investigate alleged fraud in the Proportional Representation Court in 1941. Served as Associate Director of Research under Honorable JACOB JAVITS, Member of Congress for the Independent Citizens Committee for the elections of GOLDSTEIN, MC GOLDRICK and PETTE. HENDEL indicated he was Faculty Advisor to the following CCNY campus organizations, Government Club, Law Society and Student Chapter NAACP. Courses developed by HENDEL at CCNY Administration: Law and Regulations, Government and Politics in the USSR, and Great Constitutional Issues.

In December, 1949, an anonymous source made available information which reflected that SAMUEL HENDEL, 23 Haven Avenue, was a member of the National Lawyers Guild (NLG) at that time.

On December 15, 1947, Former [redacted] made available a throwaway, which concerned the College Administration at CCNY refusal to allow a member of the CP to speak at CCNY. According to the throwaway, a protest meeting was to be conducted, and of the six speakers listed, one was SAMUEL HENDEL. b7D

On 12/23/47, Former [redacted] made available information

NY 100-10159

which reflected that the name SAMUEL HENDEL, Professor of Government, CCNY, appeared on the mailing list of the USSR Information Bulletin as of 9/15/50.

On 5/1/59, Mr. [REDACTED] (conceal) [REDACTED], CCNY, made available the 4/3/57 issue of "The Campus", CCNY newspaper which contains an item on page one reflecting that SAMUEL HENDEL had received a grant of \$2,200.00 from the Inter-University Committee on Travel Grants to visit the Soviet Union this summer (1957).

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The article reflected that HENDEL, who teaches an elective course on the Soviet Government at CCNY plans to spend a month in Russia and two weeks in Yugoslavia, and that he is hoping to meet with top Soviet and Yugoslavia officials.

[REDACTED] furnished this information stating that when he saw this article he thought perhaps HENDEL's trip to Russia might possibly have some connection with the Youth Festival being held in Moscow this summer (1957).

On 1/20/58, NY 2078-S made available the mailing list of the February, 1958 issue of the publication "Young Socialist". Among the names on this list was SAMUEL HENDEL, 3850 Sedgwick Avenue, Bronx, NY.

EDWIN LINVILLE
First Vice-Chairman

There was no information in the files of the NYO identifiable with EDWIN LINVILLE.

JUSTUS BUCHLER
Second Vice-Chairman

On 10/5/50, the NYO received an anonymous letter

NY 100-10159

which stated, "The following Professor of Philosophy at Columbia University has boasted of turning out 3000 Radicals per year: JUSTUS BUCHLER. His wife, EVELYN SHIRR, BUCHLER, Teacher of Philosophy at Hofstra College, Hempstead, LI, boasts of turning out 1000 per year. They live in Jackson Heights. They love Russia....."

There was no other information in the files of the NYO identifiable with JUSTUS BUCHLER.

[redacted] was the subject of a Departmental Applicant - Trial Attorney, Claims Division Case in 1950 (NY file 77-12179). No derogatory information was developed by the NYO concerning [redacted] during the course of that investigation. Files of the NYO do not contain any additional information identifiable with [redacted]

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A review of the files of the NYO reflects that [redacted] was the subject of a Departmental Applicant, Law Clerk, Trainee - Claims Case (Bufile 77-29862) (NY file 77-6719). No derogatory information was developed in the NYO in the course of this investigation. There was no additional information in the files of the NYO concerning [redacted]

H. HARRY GILES
Executive Officer

There was no information in the files of the NYO identifiable with H. HARRY GILES.

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: November 16, 1959

FROM : A. Rosen

SUBJECT: [REDACTED]

SELECTIVE SERVICE NUMBER [REDACTED]
 SELECTIVE SERVICE ACT, 1948
 CONSCIENTIOUS OBJECTOR

b6
 b7C

Mr. Tolson
 Mr. Boardman
 Mr. Nichols
 Mr. Belmont
 Mr. Mohr
 Mr. Parsons
 Mr. Rosen
 Mr. Tamm
 Mr. Trotter
 Mr. W. A. Rorer
 Tele. Room
 Mr. Holloman
 Miss Gandy

Patrick Murphy Malin, executive director, American Civil Liberties Union (ACLU), New York, New York, by letter dated November 12, 1958, took exception to a resume prepared in connection with a Conscientious Objector case involving captioned subject. This resume was prepared in the Conscientious Objector Section, Office of Legal Counsel of the Department, from FBI investigative reports. Malin complained that the resume contained a misrepresentation of the ACLU as obtained from the California Activities (1949), which document was infiltrated with communists and fellow travelers. It appeared the FBI only presented one side of the story to the ACLU as the FBI had countervailing information available.

[REDACTED] was the subject of a Selective Service Act, 1948, Conscientious Objector investigation in 1958 and reports of investigation were furnished to the Department. These reports contained an admission by registrant that he was a member of the Southern California Branch of the ACLU at Los Angeles. A resume of our reports in this case was subsequently furnished to the registrant by the Department.

Bureau files reflect that one of the investigative reports in this case which was disseminated to the Department contained the citation of the Los Angeles Chapter of the ACLU by the California Senate Fact-Finding Committee on Un-American Activities (1949).

This citation was followed by an official statement of the ACLU which reaffirmed the anticommunist and antifascist policy of ACLU. This statement was taken from and credited to the 34th annual report of the ACLU. The FBI Report made no attempt to evaluate either citation.

Bureau files reflect that the Director has corresponded with Malin in a cordial vein in the past. The ACLU is, by its own admission, a liberal but anticommunist organization, which in the past has been a valuable ally of the Bureau, notably regarding the Rosenberg case. However, contact and correspondence with the ACLU has been limited in the past.

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Memorandum to The Director

Re:

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RECOMMENDATIONS:

(1) That the attached letter be forwarded to Malin, pointing out that this Bureau did not prepare the resume furnished to the registrant. Further, that Bureau reports contain the documentation of the California Senate Fact-Finding Committee on Un-American Activities as well as the 34th annual report of the ACLU and that no attempt was made by this Bureau to evaluate either citation.

(2) That the attached letter be forwarded to the Department enclosing a copy of Malin's letter to the Bureau, together with the Bureau's reply thereto.

dm

✓

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A

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November 12, 1958

Mr. J. Edgar Hoover, Director
Federal Bureau of Investigation
Department of Justice
Washington 25, D. C.

Dear Mr. Hoover:

We recently have had called to our attention the resume supplied to a draft registrant in connection with his hearing on appeal from the denial by the local board of his claim as a conscientious objector under section 6 (j) of the Universal Military Training and Service Act (50 USC App 456 (j)). We assume that this resume is the resume of the FBI report of investigation which the courts have said must be supplied to the registrant in an appeal hearing.

This resume was supplied us by the registrant, [redacted] Burbank, California, and bore the stamp, "Received/ Nov. 3, 1958/ U. S. Attorney/ Los Angeles, Calif." It included the following statement on pp. 6-7:

"Two references given by registrant advised that they had known registrant for approximately three years, having met him at meetings of the YMCA and the Youth Fellowship Reconciliation; that registrant attended meetings of the Fellowship of Reconciliation, YMCA, American Friends Service Committee and was a member of the Methodist Church and the American Civil Liberties Union; that they consider registrant honest, above-board, helpful to people and sincere, of good character and a pacifist; that from registrant's conversation they believe he is sincere in his objections to military service. An investigation conducted by the California Senate in 1949, Fact-finding Committee on Un-American activities cited the ACLU as being heavily infiltrated with Communists and fellow travelers and frequently following the Communist Party line and defending Communists."

The California state investigating committee's citation of the ACLU seems an evaluation of the registrant's membership in the ACLU, and thus is contrary to your oft-repeated statement that the FBI's function is only investigatory and that the agency

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WITH ORGANIZED AFFILIATES IN TWENTY-THREE STATES AND 800 COOPERATING ATTORNEYS IN 300 CITIES OF 40 STATES

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Mr. J. Edgar Hoover

- 2 -

November 12, 1959

does not evaluate the material it gathers. I realize that the citation is presented as a factual statement and this might be regarded as information, not a judgment.

It does not appear, however, that this was a statement made by the FBI. Two references referred to at the beginning of the paragraph; if it was, the resume should have so stated. Rather it seems to be a statement by the FBI itself of information which, of course, it has readily available in its files. If so, the inclusion of this derogatory citation borders on evaluation because the FBI certainly has available responsible countervailing information and opinion about the ACLU which should have been included.

We feel indignant about this episode because the findings of the California legislative committee (the Tenney Committee) are generally regarded as disreputable. The committee has been sharply criticized for reaching conclusions on the loosest kind of evidence and for displaying a complete lack of concern for due process. An example of its denial of due process was the refusal of an opportunity to the ACLU - despite our repeated requests - for a hearing at which we could answer the accusation against us.

I do not know if this resume is an isolated incident or the characterization of the ACLU is being repeated in other situations. Knowing your understanding of the ACLU and its work, I request that this report be checked and the agents responsible for this and other resumes educated to refrain from including such evaluations in their statements. The continuation of such resumes can only degrade the credibility of the FBI reports and its investigatory activity.

Yours sincerely,



Patrick Murphy Malin
Executive Director

Mr. Tolson	✓
Mr. Belmont	✓
Mr. DeLoach	✓
Mr. McGuire	✓
Mr. Mohr	✓
Mr. Parsons	✓
Mr. Rosen	✓
Mr. Tamm	✓
Mr. Trotter	✓
Mr. W.C. Sullivan	✓
Tele. Room	✓
Mr. Holloman	✓
Miss Gandy	✓

November 20, 1959

Mr. Tolson:

While talking with Tom Donegan, he advised me of a cocktail party last night at the Cosmos Club and of some developments which may be of interest.

He said that Stanley Tracy was there, attorney Bennett Williams, former Attorney General Biddle, and others.

① The cocktail party was given by the American Civil Liberties Union (ACLU) in honor of Lawrence Speiser, director of the Washington office of the ACLU. Donegan said that when he was over at the White House on his previous assignment he had occasion to be in touch with John Patrick Malin and Irving Ferman of the ACLU. He said that he assumed this is why he was invited.

Ralph Toledano of "Newsweek" magazine advised Donegan that he understood a book is being published by George Dasch, one of the saboteurs. It was being published in Germany as well as in the United States, and the United States publisher was Robert McBride. Toledano said he understood the book was going to come out on November 23, 1959. Toledano mentioned that there was some reference to an Agent Duane Traynor of the FBI, who allegedly told Dasch that Dasch would be given a pardon. The implication also is that this action had been confirmed or was to be confirmed by the then Attorney General Biddle, the then Assistant Attorney General Tom Clark, and Mr. Hoover. It was also indicated that Dasch was going to have to stand trial for appearance sake and that he would subsequently get a three or four months' sentence. After that he was taken from the United States in leg irons and sent to Germany on a boat. He is also alleged to state that he has been living in fear of his life and that he constantly feared the vengeance of relatives of those persons in Germany against whom he testified, and that he wants at this time to rejoin his wife in the United States but the matter has been put off.

Donegan told Toledano that the only connection he had with the case was when he was assigned to New York, that he had no knowledge of the claims of Dasch, and that, of course, he had no reason to believe there was any basis for Dasch's claim.

Toledano said that he was going to try to contact Biddle and Donegan was alerting the Bureau in the event Toledano tried to contact anyone in the Bureau.

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A. Rosen

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PROS. FILES

Copy of book obtained 11-23-59

See Donegan's Memo. 6-27-42 98-10288-1641 re his discussion of possible pardon with Rosen 12-8-59

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file

H-B-L

U.S. Circuit

U

61-190-796

EX 109

REC-96

2-11-1959

REC-34

61-190-797

December 9, 1959

Miss [redacted]
[redacted]

New York Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Miss [redacted]

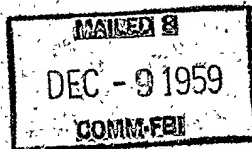
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Your letter of December 3, 1959, with enclosures, has been referred to me by Mr. Tamm. Thank you for your generous comments concerning his speech.

It is gratifying to know that his address was so well received, and I know he appreciates your kind remarks as much as I do.

Sincerely yours,

J. Edgar Hoover



1 - Mr. Tamm - Enclosure

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FBI
DEC 9 7 38 PM '59

NOTE: The speech referred to in instant letter was given by Assistant Director Tamm before the 66th Annual Conference of the International Association of Chiefs of Police on September 28, 1959, at the Statler Hotel, New York, New York. The American Civil Liberties Union (ACLU) with which the New York Civil Liberties Union is affiliated has sniped at the Bureau in the past but has not been investigated by us or cited by the Attorney General. Bufiles negative for [redacted]

Tolson _____
Belmont _____
DeLoach _____
McGuire _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
Tele. Room _____
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DEC 17 1959

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Affiliated with the American Civil Liberties Union

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Adviser, International Work

December 3, 1959.

Quinn Tamm, Esq.
Assistant Director
Federal Bureau of Investigation
Pennsylvania Avenue at 9th Street, N. W.
Washington 25, D. C.

Dear Mr. Tamm:

We were so impressed with the address you made before the conference of the International Association of Chiefs of Police that we felt it should be brought to the attention of our entire membership and the other affiliates of the American Civil Liberties Union throughout the country.

Enclosed for your information are several copies of our newsletter, CIVIL LIBERTIES IN NEW YORK, which includes major excerpts from your talk (see page 4).

Sincerely yours,

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RECEIVED
DEC 10 1959

ENCLOSURE

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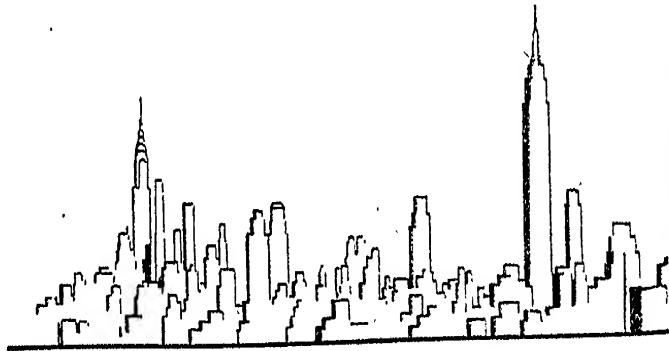
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EX-133

18 DEC 10 1959

CRIME REC.
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PERS. FILES

Civil Liberties in New York



VOL. VIII, No. 2

NEW YORK CIVIL LIBERTIES UNION

NOVEMBER, 1959

The Lady May Be Immoral, But She Is Not Obscene

By EPHRAIM S. LONDON

Member, NCYLU Board of Directors; Attorney who argued "Lady Chatterley" film case before U.S. Supreme Court and had much to do with initial publication in this country of unexpurgated version of the novel, "Lady Chatterley's Lover."

New York's highest court banned the moving picture, "Lady Chatterley's Lover" (a faithful transcription of the novel) on the ground that it is immoral. The court ruled that the film is immoral because it presents adultery as an altogether desirable, and as an acceptable pattern of behavior.

The U.S. Supreme Court recently lifted the ban and ruled that the New York motion picture censorship law, to the extent that it permits the suppression of immoral films, is unconstitutional.

Mr. Justice Stewart, speaking for the Supreme Court, said, "What New York has done, therefore, is to prevent the exhibition of a motion picture because that picture advocates an idea—that adultery under certain circumstances may be proper behavior. Yet the First Amendment's basic guarantee is of freedom to advocate ideas. The State may not do this."

Waterfront Case To High Court

NYCLU again will file a brief as a "friend of the court," this time before the U.S. Supreme Court, to appeal a decision which held valid a section of the Waterfront Commission Act.

This section provides that a labor union may not collect dues if any officer or agent of the Union covered by the Act had a prior felony conviction. George De Veau, former secretary-treasurer of Local 1346, International Longshoremen's Association, had pleaded guilty in 1922—when he was 19—to having taken an automobile for a joy ride, and he was given a suspended sentence and put on probation for five years.

The State Court of Appeals ruled against De Veau, maintaining that he had not used all state administrative remedies and adding that he could have applied to the Parole Board for a certificate of good conduct. (This one exception)

(Continued on page 3)

CLU Hits Parent Fine

NYCLU has urged the Board of Estimate to oppose a City Council proposal to fine parents for wilful destruction of property by their children.

George E. Rundquist, NYCLU executive director, stated that the proposed statute "offends the constitutional principle that a criminal statute must clearly and definitely specify the conduct it is intended to prohibit."

He noted that while the proposed statute is to some extent a civil measure, by attempting to collect damages, as in a civil suit, it is written in terms of a fine. Presumably, he added, a person could go to jail for non-payment of the fine. As a result, he said, a person can be held criminally guilty, although he has not been told by the statute of anything specific he must or must not do. The Board was to hold a hearing on the law as we went to press.

The Union also opposed a City Council resolution asking Police Commissioner Kennedy to direct patrolmen to carry nightsticks on day shifts. NYCLU warned that "the hysterical tone of the debate, preceding adoption of the resolution would encourage illegal use of force by policemen."

HOLD THE DATE

NYCLU - ACLU Dinner

Honoring 40th Anniversary of the
American Civil Liberties Union

Tuesday Evening, March 8, 1960
Hotel Commodore

Special Feature:

PRESENTATION OF 1960 FLORINA LASKER
CIVIL LIBERTIES AWARD

You Can Repair Your Car On Sundays, Court Rules

Having achieved a victory two years ago for Sunday do-it-yourself addicts, NYCLU has now won the right to repair your own automobile on Sunday! The Union defended a Riverdale car owner who was given a summons on a Sunday morn-

ing in front of his apartment house, while he was working under the hood of his auto (the trouble turned out to be a defective spark plug.) He was charged with violating the State Sabbath Law, but the case was dismissed last month by Bronx Magistrate Maurice Downing.

The defendant, Mitchell Cotter, an engineer for Consumers' Union, was represented by NYCLU counsel Emanuel Redfield, who also handled the Union's earlier case, involving Darwin Deen, arrested for painting his mother-in-law's house on a Sunday. The State Court of Appeals unanimously upheld the Appellate Division's reversal of Mr. Deen's conviction, in a decision which gave a liberal, rather than literal, interpretation of the Sabbath Law.

The law states: "All labor on Sunday is prohibited, excepting the work of necessity and charity. In works of necessity or charity is

(Continued on page 3)

Appeal Set For Whitman

Alden Whitman, a copy reader for "The New York Times" who was convicted for contempt of Congress two years ago, for refusing to answer certain questions before the Senate Internal Security Subcommittee, has been denied a new trial, fined \$500 and put on six months probation.

Mr. Whitman's case which will be appealed, is being handled by Thurman Arnold and Gerhard Van Arkel of Washington, D.C., at the request of NYCLU which has underwritten the expenses of the defense. Mr. Whitman was found guilty of contempt for refusing to name any former associates who may have been Communists, on First Amendment grounds, although he told the Eastland unit about his own Communist Party activities from 1935 to 1948.

Sentence had been deferred by Federal District Judge Edward M. Curran pending the outcome of the Watkins case. After the Supreme Court decision in that case a mo-

Parochial School

New York has done, therefore, is to prevent the exhibition of a motion picture because that picture advocates an idea—that adultery under certain circumstances may be proper behavior. Yet the First Amendment's basic guarantee is of freedom to advocate ideas. The State, quite simply, has thus struck at the very heart of constitutionally protected liberty.

"It is contended that the State's action was justified because the motion picture attractively por-

(Continued on page 3)

Rundquist Files Leibowitz Action

The NYCLU Board of Directors has voted to give financial support to a private taxpayer action instituted by George E. Rundquist, NYCLU executive director, against Kings County Judge Samuel S. Leibowitz and others, concerning the abuse of the powers of the "Welfare Grand Jury."

Also involved in the suit are Brooklyn District Attorney Edward S. Silver, NYC Comptroller Lawrence Gerosa, and J. Howard Field, foreman of that Grand Jury.

The suit seeks an injunction to halt the "Welfare Grand Jury" (as it has become known), from investigating and reporting on the advisability of discouraging migration to New York and of having a residence relief law. The action claims that Judge Leibowitz has seriously impaired the prestige, dignity and power of his office by instructing the Grand Jury to "devote serious attention" to Leibowitz' testimony before the Senate Subcommittee on Juvenile Delinquency, and by requesting the Jury to submit recommendations and to report on matters included in this testimony.

Neither of these, Mr. Rundquist maintains, is a proper concern of a Grand Jury.

(Continued on page 3)

ed against De Veau, maintaining that he had not used all state administrative remedies and adding that he could have applied to the Parole Board for a certificate of good conduct. (This one exception)

(Continued on page 3)

NYCLU Supports Judge's Refusal To Issue Grand Jury TV Findings

NYCLU filed a friend of the court brief in September, supporting the refusal of General Sessions Judge Mitchell D. Schweitzer to make public a grand jury's findings on TV quiz programs. The grand jury's presentment had been handed up without an indictment and sealed by the court on a motion not to make it public. This month, he ordered it to be permanently sealed.

The NYCLU Board of Directors adopted a policy statement on grand jury presentments, opposing the publication of any grand jury deliberations or findings which name individuals or where the identification of individuals is possible, unless the grand jury shall find an indictment (or unless the persons so named or so identifiable are public officials).

In its brief, submitted by counsel Emanuel Redfield, the Union acknowledged that the public has a strong interest to gain knowledge. "But the interest of the public must yield when others [private persons] are defamed without an opportunity to fairly meet the accusation. In resolving this issue, the court cannot avoid its duty because of the pressure of public opinion. There is a higher duty of the court to intellectual integrity and to its consciousness of the proper administration of law."

In pointing out that the constitutional and statutory power of the grand jury is limited to indictments, NYCLU noted that since the jury is to concern itself with

(Continued on page 2)

NYCLU warned that "the hysterical tone of the debate, preceding adoption of the resolution would encourage illegal use of force by policemen."

Multiple Indictment Policy Adopted

A statement of policy on multiple indictments was approved this month by the NYCLU Board of Directors, in connection with the current Apalachin case which indicted a group of men for conspiracy to obstruct justice by refusing to divulge the true nature of their meeting to "grand juries and other investigating agencies."

The Union's statement follows: "The NYCLU believes that multiple indictments by grand juries, which include charges of obstructing and impeding justice, perjury, as well as conspiracy, violate civil liberty."

"It is firmly opposed to using the crime of conspiracy against the government for the purpose of indicting and convicting persons whose testimony before grand juries and other investigatory bodies does not conform to what the appropriate government officials believe to be the truth."

"The grouping of a number of defendants in one trial may result in finding some defendants guilty partly because of mere courtroom association with those truly guilty. The statements of some defendants may be used as evidence against others, resulting in possible abridgment of the rights of a defendant to the constitutional protection of due process of law."

though he told the Eastland unit about his own Communist Party activities from 1935 to 1948.

Sentence had been deferred by Federal District Judge Edward M. Curran pending the outcome of the Watkins case. After the Supreme Court decision in that case, a motion was made for a new trial for Whitman, based on the Watkins ruling. Another "Times" employee, Seymour Peck, was acquitted of contempt by a decision based on the Watkins case. However Judge Curran denied the plea for a new trial for Whitman.

Judge Curran's decision obviously was based on the Supreme Court ruling last June against Lloyd Barenblatt, Vassar College instructor. The Court upheld broad powers for Congressional committees investigating Communism.

Union to Aid Shelton

In a related case, the NYCLU Board this month voted to give financial support to Robert Shelton, also of "The New York Times," whose case is now being considered by a panel of the District Court of Appeals in Washington.

The Board will provide funds to Mr. Shelton's attorney, Joseph L. Rauh of Washington, D.C., for filing a petition for certiorari to the U. S. Supreme Court, if the Court of Appeals rules against Shelton.

Shelton also was found guilty of contempt for refusing to answer questions about himself or others before the Senate Subcommittee.

The subpoena originally served on Mr. Shelton to appear at Committee executive hearings, in New York, was made out to another person with the same surname, no longer employed at "The Times." When it was learned that someone else of that name was

(Continued on page 2)

The law states: "All labor on Sunday is prohibited, excepting the work of necessity and charity. In works of necessity or charity is

(Continued on page 3)

Parochial School Transport Aid Hit

NYCLU is filing an amicus curiae brief opposing use of tax money for transporting high school students to parochial schools some 35 miles from their homes.

Jonas Silver, a taxpayer of North Merrick, L.I., had appealed to the State Commissioner of Education against the allocation by Central High School District #3, Merrick, of \$17,000 in tax monies for transportation allowances for students attending parochial high schools in New York City and Brooklyn. The District had voted 362-247 to approve an amendment to the budget authorizing this expenditure of public funds.

Ewald B. Nyquist, Acting State Commissioner of Education, dismissed Mr. Silver's appeal, maintaining that it had been determined that voters of a school district can choose to allocate such funds irrespective of the distance involved.

Mr. Silver is filing a petition this month asking the State Supreme Court, Third Department, Albany, to review Nyquist's dismissal of his appeal.

Mrs. Judith P. Vladeck, member of NYCLU's legal panel, is preparing the Union's amicus brief supporting Mr. Silver's petition. NYCLU, while reaffirming its opposition to any use of tax money in aid of schools sponsored by a religious denomination, maintains that this specific case is distinct from the Supreme Court's ruling in the Everson case. There, grade school children attending parochial schools near their homes

(Continued on page 3)

Union Launches Seminar Series In Nassau, Westchester Counties

A Seminar Series on vital civil liberties topics is inaugurating NYCLU's suburban program for the fall-winter season in both Nassau and Westchester counties, with an outstanding expert leading off a full evening of questions and discussions. The program started Nov. 16 in Wantagh, L. I.

The subjects and the persons leading the seminar on each are: "Freedom of Religion and Separation of Church and State," William J. Butler, attorney and member of the NYCLU legal panel who is handling the Union's "Regents Prayer" case in Herricks, L.I.; "Is Censorship the Answer to the Spread of Pornography?" Ephraim S. London, member of NYCLU's Board of Directors and attorney in the "Miracle" and "Lady Chatterley's Lover" cases (see his article starting on page 1); and "Juveniles and the Law," Victor S. Gettner, NYCLU vice chairman and a director of the Urban League of Westchester. (Schedule of dates and places of seminars is given below.)

Chief aim of the Seminar Series is to give NYCLU members and other interested persons an opportunity to inform themselves more fully on the legal history and social issues involved in these areas of concern to civil libertarians. The series also will help introduce NYCLU members in these communities to each other and to acquaint the areas themselves with NYCLU and its concepts and purposes.

The Seminar Series will be publicized by means of a letter to all NYCLU members living in Long Island and Westchester, as well as through notices to the press, radio, etc. However, the success of the series will depend largely on the effort our membership makes in participating in the sessions and bringing their friends. Those willing to make a few telephone calls to remind others of the meetings are asked to contact the NYCLU office for the names and addresses of members living in their area. In addition to its educational value, the Seminar Series can be an effective means of introducing new people to the Civil Liberties Union and its work.

The complete schedule follows:

NASSAU COUNTY

(Already held: November 16, Wantagh Jewish Center, Eastern Nassau, Censorship.)

Wednesday, Dec. 2, 8:30 p.m.—Manhasset—North Shore



BOOKS in REVIEW

"My Unwelcome Guests," by Frederick S. Baldi, M.D. 222 pages. J. B. Lippincott Co., 1959. \$3.95.

By MRS. JOSEPH P. LASH

Executive Director, Citizens' Committee for Children of New York City; Member, NYCLU Board of Directors

Dr. Baldi, who retired in 1956 after almost half a century of service as superintendent, warden and medical director in the Philadelphia County Prisons, estimates that he "had the custody and medical care of perhaps 750,000 men and women convicted of

crimes, large and small." Because he believed that "prisons remain the least understood of public institutions," he decided to "set down the unvarnished facts as I know them and to describe some prisoners I have met, in hope of telling the taxpayers a few truths they ought to know."

"My Unwelcome Guests" is first of all a tale told with a shrewd eye for what outrages and fascinates people. He tells stories of murderers, rapists and prostitutes, of "vicious degenerates" and men in the death house, of venal guards and of Eva, the lecherous wife of a warden, and a long procession of others. He tells lurid stories colorfully, with passionate involvement, and though some of his cases seem dragged in, he reports them well.

"My Unwelcome Guests" is also the account of a warden who never held any illusions, who believes that prisons, by and large, do not keep trouble-makers from society's neck, do not rehabilitate "except in a pitifully small number of cases—maybe one or two out of a given 100 . . . Rehabilitation as a

was primarily a physician and hence had something more to contribute than other wardens," signs of a physician's understanding, superior knowledge of what creates human health and illness are somewhat hard to discover.

Looks Back in Anger

He is a physician and not a moralist, he says, but he mostly writes in anger, in outrage and disgust; his "ire is aroused," often he confesses that he could "hardly keep my hands off" a prisoner whom he particularly detested. He looks at drug addiction as a law enforcement officer and not a physician. "Drug addiction," he says, "is a crime," although he agrees that as a deterrent or as punishment imprisonment is an absolute loss.

Nor does Dr. Baldi limit his absolute dicta to prisons, prisoners and correction. He has particularly strong opinions on the causes of juvenile crime. ("Delinquency has become a weasel word.") And while his beliefs concerning adult prisoners might be put down as those of a man who has grown tough during many years of prison work, his views on youthful crime show startling ignorance and unwillingness or inability to understand human behavior.

Grand Jury . . .

(Continued from page 1)

crimes only, "... one must draw the conclusion that if no crime is committed, the business of the jury is completed upon its failure to indict.

Grand Jury Is Part of Court

"It is the accusatory statements against private persons, short of indictment, that are of grave concern. A grand jury is part of the judicial system. While it may function as an independent body, it is nevertheless a part of the court. It is not a vigilante body, organized spontaneously by individuals to seek out crime. It is organized and drawn as part of the judicial machinery. It is charged by the court as to its duties. It files indictments with the court. . . . It is discharged by the court.

"In other words, the acts of the grand jury are respected by the community as acts of a judicial body. . . . When a grand jury acts, its accusations are associated with indictment. While technically an accusation by indictment is wholly different from accusation by report, nevertheless to persons other than lawyers, an accusation by a grand jury in a report carries the same condemnation as does an indictment.

"Because of a report's secret aura and its freedom from a true adversary attack, it is regarded as a judgment by a public judicial body. No matter how this might be dissipated by technical argument, the plain fact remains that this is the psychology of the community and is part of its mores. . . . The accused is thus deprived of elementary fair play, of due process." Hits Argument on "Informing" Role

Striking hard at the argument that the report should be released because the grand jury has an informing as well as an indicting function, the NYCLU further contended that if there is no authority for the grand jury to report, its actions are illegal.

"It is of greater public importance that its own agents act lawfully. . . . That lawlessness may become endemic is illustrated by the startling assertion of one author, a public prosecutor that even if

NASSAU COUNTY

(Already held: November 16, Wantagh Jewish Center, Eastern Nassau, Censorship.)

Wednesday, Dec. 2, 8:30 p.m.—Manhasset—North Shore Manhasset Friends Meeting House—"Freedom of Religion"

Tuesday, Jan. 19, 8:30 p.m.—Lynbrook—South Shore Lynbrook Masonic Temple—"Juveniles and the Law"

WESTCHESTER COUNTY

Tuesday, Dec. 15, 8:30 p.m.—Upper Westchester—Bedford Hills Community House—"Juveniles and the Law"

Tuesday, Jan. 12, 8:30 p.m.—Lower Westchester—Westchester Ethical Society—"Censorship"

(February date and place to be announced for Central Westchester session in White Plains on "Freedom of Religion")

CIVIL LIBERTIES IN NEW YORK

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er held any illusions, who believes that prisons, by and large, do not keep trouble-makers from society's neck, do not rehabilitate "except in a pitifully small number of cases—maybe one or two out of a given 100. . . . Rehabilitation as a sort of snake oil, to be forced down a prisoner with the idea of making a new man out of him is proved a farce," says Dr. Baldi.

He is a hard man—he once refused a sedative to a prisoner before his last night because he was angry at him—and a sentimental man, who describes with loving pride how he installed "the chimneys of Rockview Prison . . . (which are) still ringing out nightly, at eventide, a reminder that life's sweetness can penetrate even to the darkest corners of men's hearts."

Hates 'Sob Sisters'

Next to interfering politicians, Dr. Baldi hates "sob sisters, soft soapers" most, and he deeply suspects psychiatrists because of their supporting a tendency "towards specious insanity defenses." He does not hold with coddling prisoners, thinks we are "getting too soft-hearted about crime; too soft-headed. . . . Poppa law is about to speak, but mamma psychiatry can be counted on to scream, 'don't lay a hand on that poor, misunderstood child.'"

He believes that politically motivated and soft-headed Parole Boards have made "a farce" of life imprisonment. He is opposed to parole. He makes a passionate plea not only for the retention of capital punishment, but for making it automatic for first degree murder as the best protection against being murdered. . . . "Americans," he cries out, "have become chicken-hearted; people who find it difficult to face up to so stern a reality as the death sentence."

While he often stresses that he speaks "as a doctor," and that "I never lost sight of the fact that I

oners might be put down as those of a man who has grown tough during many years of prison work, his views on youthful crime show startling ignorance and unwillingness or inability to understand human behavior.

He attacks John Dewey and "his Pandora's box of progressive education," hits out at social workers and others "who profess to see good in even the toughest little monster," bemoans the fact that "modern society which so prides itself on technological know-how should have to submit to the sort of bullying it takes from a handful of children," and enters a plea "for return to a non-nonsense approach to the problem of juvenile crime." He does, however, add a strong plea for a loosening of the "purse strings for attack from many angles."

This could have been a most helpful book because it is based on so many years' experience. But Dr. Baldi refuses to consider what criminologists and educators have learned over the last 50 years—namely, that some of the steps he advises have been tried and have failed miserably. As a result, "My Unwelcome Guests" is always interesting, dramatic and colorful, but not a help to those who wish to learn.

To Aid Shelton . . .

(Continued from page 1)
working at the newspaper, the name on the subpoena was changed and the Committee asked questions of Robert Shelton. He refused to answer on the grounds that the Committee was violating his rights under the First Amendment. He also challenged the jurisdiction of the unit to call him again in Washington, since it already knew his position and was thereby subjecting him to prosecution in violation of his right to be tried in the community where he works and lives.

ity for the grand jury to report, its actions are illegal.

"It is of greater public importance that its own agents act lawfully. . . . That lawlessness may become endemic is illustrated by the startling assertion of one author, a public prosecutor, that even if the filing of a report is unlawful nevertheless if it serves a useful purpose, its virtues should be recognized by filing."

In disputing the contention that the quiz show presentment should be released because the individuals it discusses are not referred to by name, the brief concludes that the omission of names renders all of the programs and all of their participants suspect.

Disorderly Conduct Charge Reversed

NYCLU has secured reversal of a "disorderly conduct" conviction which arose out of the December 1957 subway strike in New York. The case involved the arrest of Mrs. James Donegan, wife of the president of the Car Maintainers Local, American Transport Union, for picketing the IND subway yard and distributing leaflets to pedestrians. She was found guilty in Magistrates Court of disorderly conduct, with a five-day suspended sentence for violating the State Supreme Court's anti-strike injunction.

Richard A. Karparkin represented Mrs. Donegan for NYCLU in an appeal to the Court of Special Sessions. Presiding Justice Benjamin Gassman stated that peaceful picketing in a labor dispute is the exercise of a right of free speech, and that there was no evidence that the defendant acted with intent to provoke a breach of the peace, or under circumstances likely to cause a breach of the peace. He thus ruled that "the People wholly failed to prove that the acts . . . constituted disorderly conduct" and dismissed the complaint.

Civil Liberties in the News

Study Finds Most Private Wiretaps in NYC

More than 30,000 New York City phones were wiretapped by plainclothesmen without court orders in 1957, according to the director of a two-year study financed by the Fund for the Republic for the Pennsylvania Bar Association. Samuel Dash, former Philadelphia District Attorney, reports on his study in a book, "The Eavesdroppers," published by Rutgers University (and scheduled for future review in a later issue). He stated that "most of the private wiretapping in the world is done in New York City," the majority of it illegal and done by law enforcement officials, private investigators and employers. Prohibitive legislation and restrictive state laws have not been enforced, he added, noting that since the New York study ended in 1957 he had no data on whether tighter restrictions imposed by the State Legislature last year had resulted in decreased tapping here. . . . The State Joint Legislative Committee on the Privacy of Communications has been conducting an inquiry into the installation of an unauthorized wiretap on the home phone of Charles McGuinness, who unsuccessfully opposed Carmine DeSapio in September for the Democratic leadership in Greenwich Village's First Assembly District South. Assemblyman Anthony P. Savarese, Committee chairman, said the unit will hold hearings this month on protecting telephone subscribers.

Coerced Confession Reverses Conviction

The conviction of a man for murdering an off-duty patrolman in the Bronx in 1950 has been reversed by the U.S. Court of Appeals, which found that the defendant's confession was coerced by police brutality. The prisoner, Joseph Corbo, is serving a life sentence, and may still be retried, but the coerced confession may not be used against him. The Appeals Court held that because of the length of Corbo's detention, the exclusion of his counsel and his knowledge of the brutal treatment accorded to a co-defendant (also similarly sentenced and slated for the same consideration as a result of the Appeals Court decision), Corbo was "in such fear that his statements and admissions were involuntary. It follows that Corbo's conviction after a trial in which these statements were placed before the jury, is in violation of his constitutional right to due process." . . . A new trial is scheduled for Nov. 30 for Vincent J. Spano, whose first degree murder conviction was reversed by the U.S. Supreme Court because an "involuntary confession" had been forced by "a secret inquisition" and a "kangaroo court procedure."

Man Sent to Bellevue Sues Magistrate

A City magistrate is being sued for \$500,000 for alleged violation of the civil rights of a Great Neck importer, who was sent to the psychiatric ward of Bellevue Hospital for examination without being allowed to answer affidavits about his conduct, consult his attorney or call witnesses in his own behalf. The action was brought last month in State Supreme Court by Michael Falk against Magistrate Peter M. Horn, a court clerk and the city. Falk said he was confined to Bellevue one night and was released the next day when the chief psychiatrist there certified that Falk was "in all respects completely sane." Falk had appeared before Horn on a summons issued as the result of a family argument.

Judge Hits Mental Commitments for Senile

'The Lady' . . .

(Continued from page 1)

trays a relationship which is contrary to the moral standards, the religious precepts, and the legal code of its citizenry. This argument misconceives what it is that the Constitution protects.

"Its guarantee is not confined to the expression of ideas that are conventional or shared by a majority. It protects advocacy of the opinion that adultery may sometimes be proper, no less than advocacy of socialism or the single tax. And in the realm of ideas it protects expression which is eloquent no less than that which is unconvincing."

Post Office Bars Novel

After the Court of Appeals ruled that the film could not be shown in New York, and before that decision was reversed by the Supreme Court, the Post Office barred the unexpurgated edition of the novel, "Lady Chatterley's Lover," from the mails on the ground that it is obscene. (A publication is legally obscene if, to the average adult, the material taken, as a whole, arouses an inordinate desire for the gratification of sexual impulses, or appeals to a morbid interest in the sexual or excretory organs or functions).

The publisher instituted an action against the Postmaster General, in which the NYCLU appeared as amicus curiae, and an order was secured restraining the Postmaster from interfering with the book. The order was issued by Judge Frederick v. P. Bryan on the ground that the novel is not obscene within the meaning of the pertinent statutes. Judge Bryan found that the book's literary merit and social importance (its discussion of the evils of industrialization) far outweighed any possible harmful effect of the passages objected to by the Postmaster-General.

The conclusion to be drawn from a consideration of the two Lady Chatterley decisions, and one or two others of recent date, is that although an immoral communication is protected by the First Amendment of the Constitution

Action Sought For Five Teachers

Efforts to secure action by the Board of Education in reinstating the five suspended school teachers, who fully answered questions about themselves but refused to inform on others, are being spearheaded with issuance of a fact-sheet on the situation by Rabbi Eugene Lipman and Albert Vorspan.

The Court of Appeals on May 28, upheld State Education Commissioner James E. Allen, Jr., and the lower courts, ruling that the Board of Education might not legally compel its teachers to become informers under threat of suspension or dismissal. The fact sheet on the case includes a chronology and a statement of charges.

The courts' rulings invalidate the major charge, but the Board has sought to sidestep the rulings by including other charges. One is violating a section of the Feinberg Law on the ground that by their refusal to inform, they had failed to show severance from the Communist Party.

"Thus, their admissions of past membership, made in good faith, are to be used as evidence against them," the fact sheet states. "This is a form of entrapment, as well as a distortion and evasion of the courts' rulings on the basic and real issue: that of informing."

Three of the five are charged with having falsely denied Communist Party membership on applications for teaching licenses filed many years earlier. A one-sentence question on the application form asked about past and present membership. The fact sheet points out that other teachers who did inform on others had also denied party membership, but no action is contemplated against them.

Since the court ruling, the Board has ceased trying to compel teachers under interrogation to turn in informers—a gain achieved through the legal actions undertaken by the five suspended teachers who have yet to benefit themselves by this

U. S. Drops P. O. Case On 'Naked Maja' Ads

The U. S. Justice Department has declined to defend the Post Office's ban on mailing post cards of Goya's painting, "The Naked Maja."

The cards, advertising a United Artists film of the same name, had been declared obscene by the Post Office, and the company brought suit in Federal Court in Washington. NYCLU filed an amicus brief last April charging the Post Office with "illegally and unconstitutionally acting as a censor," and maintaining that "a work of art, or a photograph of it, are matters within the guarantees of the First Amendment."

Justice Department attorneys last month filed an answer to the company's complaint conceding that the postcards were not obscene.

Editorialized the "New York Post": "We urge Mr. Summerfield to start going about the business of delivering the mail on time; his obsession with 'obscenity' is doing no one any good."

Car Repairs . . .

(Continued from page 1)

included whatever is needful during the day for the good order, health or comfort of the community."

NYCLU maintained that application of the Sabbath Law to cases such as Mr. Cotter's and Mr. Deen's is unconstitutional, because under the 11th Amendment, a person has the liberty to act as he wishes so long as his actions do not disturb anyone or interfere with the repose of the day.

"To apply the law to chores or hobbies," Mr. Redfield said in his brief in the Deen case, "would work an absurdity in relation to present times in a place like New York. Where then can the line be drawn, except by a construction that will exclude from the intended scope of the statute those activities that are chores, casual effort

attorney or call. The action was brought last month in State Supreme Court by Michael Falk against Magistrate Peter M. Horn, a court clerk and the city. Falk said he was confined to Bellevue one night and was released the next day when the chief psychiatrist there certified that Falk was "in all respects completely sane." Falk had appeared before Horn on a summons issued as the result of a family argument.

Judge Hits Mental Commitments for Senile

The practice of sending non-psychotic senile aged persons to mental institutions, because of lack of facilities for their custodial care, was condemned this month by Brooklyn Supreme Court Justice Benjamin Breiner. He refused to certify to mental institutions nine such persons, stating they were "all arteriosclerotic, whose psychotic reactions are either mild or non-existent." To send them to mental institutions, he ruled, "would be both unconscionable and immoral."

Leibowitz....

(Continued from page 1)

"Neither a judge nor any other officer of the court who is responsible for the conduct of a Grand Jury and who is called upon to guide and assist it in its deliberations," Mr. Rundquist stated, "has the right to seek to influence it. The matter of whether eligibility for public assistance shall be available on the basis of present need or prior residence is one of public policy and legislative responsibility. It may not be arrogated by a judge to himself and a Grand Jury."

"The function of a Grand Jury is to investigate whether or not a crime has been committed and to indict those persons it has reason to believe may have committed the crime. Since there is no statute which prohibits migration to our City and State, and a criminal offense is therefore not involved, this is not a proper matter for consideration by a Grand Jury."

Mr. Rundquist's action seeks to prevent the use of City property and funds for the use of this Grand Jury in carrying out such activity. The case was argued in the State Supreme Court in Brooklyn Nov. 5, by Emanuel Redfield. Judge John Cone ruled that no illegality had been proven and refused to grant the injunction. The case will now be appealed in the Appellate Division, Second Department.

P. O. Circulars

On Obscenity Hit

NYCLU has criticized Flushing Acting Postmaster John J. Hogan for having a circular placed in mailboxes of local residents which expressed Hogan's personal views on "obscene" publications.

In a letter to Mr. Hogan, NYCLU executive director, George E. Rundquist called this means used to disseminate the Postmaster's personal opinion regarding the effect of alleged obscene publications on sex crimes "an unwarranted extension of your authority."

Mr. Rundquist noted that Hogan's responsibility regarding mailing of alleged obscene materials "is limited to transmission of such matter to the Postmaster General for his determination and action, which are subject to court review. . . . In effect, you are using the influence of your office for personal propaganda. You are further asking the public to make a judgment in accordance with your views on a question concerning which judicial bodies and leading attorneys, sociologists and psychologists are in disagreement."

master-General.

The conclusion to be drawn from a consideration of the two Lady Chatterley decisions, and one or two others of recent date, is that although an immoral communication is protected by the First Amendment of the Constitution against State or Federal interference, an obscene publication is not within the protection of the First Amendment guaranty of free speech and press.

Which Is More Harmful?

There is no ethical or pragmatic justification for permitting a government agency to suppress an obscene expression, and at the same time prohibiting it from interfering with an immoral publication. Presumably, an immoral book or film is as harmful and corrupting as an obscene one.

The underlying reason for the difference in treatment is suggested by the part of Mr. Justice Stewart's opinion quoted above. It may be summed up as follows:

When a publication is condemned as immoral, its assumptions of principle are attacked, permitting government intrusion in the realm of dogma or opinion would threaten the foundation of our system of government. Obscenity as the courts have defined it, is not an expression of opinion but a pandering to emotion through a manner of presentation. No great or lasting injury to society will result from interference with a manner of presentation that violates the taboos or standards of the community.

(Please note. The last opinions expressed by the writer are not the writer's opinions; they are an attempt to restate the reasons implicit in the Courts' seemingly inconsistent decisions.)

POSTSCRIPT: Lady Chatterley is now being presented in still another medium—on records. Apparently, she is again headed for trouble, but the reason for the proposed interference has not been disclosed.

Also, the Censorship Board of

them. Since the court ruling, the Board has ceased trying to compel teachers under interrogation to turn in former—a gain achieved through the legal actions undertaken by the five suspended teachers who have yet to benefit themselves by this gain. As Murray Kempton wrote in "The New York Post," Oct. 29, "Their case establishes a right of conscience for thousands of persons; and they alone, having fought for that right, are now denied it. Who stands today any more clearly in contempt of the courts of New York than the City of New York?"

The fact sheet includes NYCLU among organizations which have publicly opposed the Board's "former" policy. Individuals interested in helping on this matter may secure additional information from Rabbi Lipman and Mr. Vorse at Union of American Hebrew Congregations, 338 Fifth Ave., New York 21.

At presstime, four of the teachers had petitioned Brooklyn Supreme Court to dismiss charges against them, because, no hearing had been granted since May 23, in violation of the Education and Civil Service Laws, and of the State and Federal Constitutions.

Parochial School

(Continued from page 1)

were involved, and the Court felt that their health and safety were concerned.

In the Merrick case, however, the high school students are not attending the parochial schools nearest to their homes and neither health nor safety are involved. Under the Acting Commissioner's ruling, NYCLU feels, taxpayer funds could be used to subsidize such transportation to an unlimited distance.

Little Rock, Arkansas, has refused to permit the moving picture, "Lady Chatterley's Lover" to be shown within the limits of that

city. Not to be trapped into the use of statutory language that may be held unconstitutional or inapplicable, the Little Rock Board banned the film on the ground (as stated to the writer) that "the picture is just too strong for us."

Freely translated, that was understood to mean, "If the Supreme Court is for the picture, we are against it."

Waterfront...

(Continued from page 1)

in the Act applies to persons pardoned or those given such a certificate.

In a memorandum to the U.S. Supreme Court asking review of the case, NYCLU contended that the Act violated due process by depriving De Veau of the right to work at his chosen profession without notice or hearing.

NYCLU's brief in the Appeals Court, prepared by counsels Nanette Dembitz and Stephen C. Wladek, and Edward L. Sadowsky, opposed the arbitrary use of a past felony conviction and noted that the statute does not provide for a hearing, if De Veau were to appeal to the Board of Parole for a certificate of good conduct, and in the event of an investigation there would be no right to cross-examine witnesses, examine adverse evidence or be represented by counsel. NYCLU also had filed an amicus brief in the Appellate Division.

city. Not to be trapped into the use of statutory language that may be held unconstitutional or inapplicable, the Little Rock Board banned the film on the ground (as stated to the writer) that "the picture is just too strong for us."

'Constitutional Law Enforcement' Subject of Speech by FBI Official

(Editor's Note: At the September annual conference of the International Association of Chiefs of Police, held in New York City, one of the speakers was Quinn Tamm, assistant director of the Federal Bureau of Investigation. We reprint below excerpts of Mr. Tamm's speech on "Constitutional Law Enforcement," because we believe that his comments on the importance of observing due process of law will be of great interest to members of NYCLU).

... Ordered liberty is the objective of the laws which it is our sworn duty to enforce. All other subjects which we are here convened to discuss, no matter how high their individual worth, are no more than necessary means to the accomplishment of this objective, of no more than secondary or peripheral importance to our sworn duty to uphold liberty under the rule of law. A law enforcement officer who fails to understand this philosophy and is blind to this objective is at best incompetent, at worst a misguided engine of destruction.

No public official is more immediately and personally concerned with the fundamental concept of liberty under law than the law enforcement officer. He is the human symbol of the law, from the Constitution down to the local ordinance. His daily life is devoted to the keeping of the public peace and safety, without which there is no orderly living and no untrammelled pursuit of happiness.

The citizen, in general, is far more familiar with the workings of the criminal law than he is with the other great branches of the law due to its inherent interest and drama, immediate and general application, and essential importance.

Since the enforcement of the criminal law lies particularly upon the police officer who must detect crime, apprehend wrongdoers, and institute the proceedings that lead to court action, to the citizen the policeman is the law. To the citizen, the performance of the police officer constitutes the law in all its majesty, or lack of majesty. As a result, he naturally tends to

society can use for any purpose." But rough though it may be in a certain sense, it is at the same time the greatest protection that society can give law-abiding citizens—thus the vast majority—against the ceaseless and relentless attack of the criminal element in a community.

It is fear of the certain punishment of the criminal law which retards and deters the criminal in his activities. Only the criminal, or those criminally inclined, find the restraints of the criminal law immediate, gnawing, chafing and unendurable. So far as the decent law-abiding citizen is concerned, its restraints are never felt. As one great legal writer said, to the law-abiding person a law forbidding robbery is no more felt as a restraint than is the necessity of wearing clothes.

The greatest responsibility and obligation of law enforcement is that of enforcing the law not solely in a skillful and effective manner but in accordance with the rule of law and the spirit of the law enshrined in our constitutions.

When a law enforcement officer invades the constitutional rights of a person, for example, by an act of so-called "police brutality," he stirs up a hornet's nest of indignation among all segments of society—the law-abiding public, the press and the courts. He triggers a resistance to proper law enforcement. A forbidding front arises against his department and law enforcement as an institution. In its aroused imagination, the public exaggerates the single abuse into many. It believes that there is a widespread disregard of constitutional rights on the part of all law

New York Police Commissioner Stephen P. Kennedy also made some remarks of interest to civil libertarians at the September convention of the International Association of Chiefs of Police.

He warned the group against "a stereotyped way of thinking" about criminal activity. The Commissioner emphasized that "crime is not committed by groups, but by individuals. Group guilt leads to discrimination in all its hideous aspects. We must not transfer individual guilt to the group. We should not give occasion to raise discrimination practices in our respective countries."

official conduct. He insists that law enforcement officers protect and safeguard alike the legal rights of those who violate as well as those who obey and respect the law...

Concern with Even Mild Violations
Furthermore, we are well aware of that increasing judicial vigilance in the field of civil rights which has marked our day and the fact that the courts are concerned not only with gross violations of the Constitution on the part of law enforcement officers but in relatively mild invasions as well.

As Mr. Justice Joseph P. Bradley said in the famous case of *Boyd v. U.S.* (116 U.S. 616):

"... illegitimate and unconstitutional practices get their first footing in that way, namely: by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of person and property should be liberally construed. A close and literal construction deprives them of half their efficacy and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon."

enemy to be destroyed by every possible means. When the actual time of violence comes, he is physically liquidated.

In the meantime, in accordance with the principle of divide-and-conquer, he must be separated from the community with which he is identified. The traditional view of American law that the policeman is solely a fellow citizen with an added responsibility to maintain the public peace must be obscured. The policeman must be isolated as a man apart, and "exposed" as a creature of those sinister powers which keep the "masses" in subjection. Therefore, he is to be knocked at every turn. He is to be identified as the cat's paw of big business, the enemy of the working man, the champion of terror, the lover of discrimination, the idolator of injustice, the destroyer of civil rights, and the despoiler of those constitutional liberties which free people hold dearer than life itself.

It is our duty to give those enemies of freedom no ammunition for attack by any careless disregard of rights or injury to any person in the enjoyment of his lawful rights and privileges. We must, on the contrary, exercise in our daily actions those great powers we possess to make civil liberties vital and living values.

The maintenance of the public peace and the bringing of offenders to justice is an extremely difficult task, for there is often a delicate balance to be held between the rights of the community and the rights of the individual. The law enforcement officer stands in a crossfire between the obligation to bring offenders to justice and the equally binding obligation not to violate constitutional rights in doing so. But a crossfire is a familiar occupational hazard in police work and, when caught in one, the best defense is a level head.

Important for Big Cases

The necessity of observing the civil rights of all is just as important in the big case as in the little one. The uproar of a shocked citizenry on the commission of a heinous crime, the traditional hue and cry, is no justification for the abandonment of fundamental guar-

the conviction has become part of their very being that everything they do must be done in a reasonable and constitutional manner...

Our training schools give us a great opportunity to make clear to the young officer the extent of his lawful powers and, what is even more important, the legal limitations to his powers. As a Federal court put it:

"... it would seem that the limits of the rights of an officer in the enforcement of law, and of a citizen in the enjoyment of his liberties, ought to be as well understood and as well observed as copybook maxims, for there can be no liberty except where there is a just and proper law enforcement, and there can be no proper law enforcement where liberty is unlawfully infringed."

We must teach the young officer to realize the deep significance of the presumption of innocence which shields every accused until a jury returns a verdict of guilty against him. We must temper his natural and admirable zeal to bring wrongdoers to justice by the lesson that there is more to his job than the satisfaction immediate results may bring. We must drive home the truth that if these results are accomplished in an unreasonable, unethical or unconstitutional manner, they are not only meaningless but are harmful to the public peace whose ultimate custodian he is...

Our police training schools provide the opportunity for us to stress to our young officers the fundamental fact that a criminal trial is not a mere contest which the public prosecutor is attempting to win against the defendant. It is rather a judicial inquiry into the truth of a charge of crime to insure that justice will be done.

Cannot Have Unclean Hands

If this inquiry is based upon evidence collected in such a way that it is sullied by illegality or unethical practices, a mockery is being made of justice in a court of justice. When law enforcement officers collect evidence in such a manner, it puts them in an untenable position. Law enforcement officers do not operate under a special privilege that can justify their

institute the proceedings that lead to court action, to the citizen, the policeman is the law. To the citizen, the performance of the police officer constitutes the law in all its majesty, or lack of majesty. As a result, he naturally tends to judge the whole fabric of the law and its administration by the way the criminal law is enforced. Thus, the daily actions of the law enforcement officer have a tremendous significance. The faulty enforcement of the law can spoil the best laws that the minds of men can conceive.

Protection Against Criminals

The criminal law has been described as the "roughest engine

ment. A forbidding front arises against his department and law enforcement as an institution. In its aroused imagination, the public exaggerates the single abuse into many. It believes that there is a widespread disregard of constitutional rights on the part of all law enforcement officers. A chasm opens between citizen and policeman, and the blessing of public confidence so essential to police efficiency is lost.

The responsible citizen resents any invasion of any constitutional privilege that shields a person merely suspected or accused of crime. He demands that all these privileges be respected by every public official. He abhors abusive

prives them of half their efficacy and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon.

When law enforcement fails to enforce the law in a constitutional manner, even though it may be only in a single instance motivated not by malice but by misguided zeal or misunderstanding, it presents to the avowed enemies of our way of life, a longed-for opportunity to discredit law enforcement. These enemies never fail to exploit such a chance to the utmost for their own sinister purposes. They are at work furtively and constantly to build a wall between law enforcement and the people.

Target for Totalitarian

Law and order, as we know the term, is a stench in the nostrils of the totalitarian. It is so because the term means that the legal institutions of a country are functioning as they were meant to function in furtherance of the will of a free people. Accordingly, the totalitarian views the police officer of the free world as an

The necessity of observing the civil rights of all is just as important in the big case as in the little one. The uproar of a shocked citizenry on the commission of a heinous crime, the traditional hue and cry, is no justification for the abandonment of fundamental guarantees. This is the time for even stricter observance. We constitute the tool which society uses to enforce the law in a constitutional manner and we must not break in its hand when powerful strains are put upon us.

The greatest evidence that law enforcement can offer to the community as proof that it has come of age as a profession is a rock-ribbed, unwavering preoccupation with, and regard for, personal rights and liberties. It is vital to our standing and esteem in the eyes of the public, the courts, the legislatures and our administrative superiors. For that reason, we must never fail to continually stress in our police schools the length and breadth of the country the need for an ever greater familiarity with the rule of law and the observance of civil rights.

No matter how carefully we teach our young officers they will not be real officers until

unethical practices, a mockery is being made of justice in a court of justice. When law enforcement officers collect evidence in such a manner, it puts them in an untenable position. Law enforcement officers do not operate under a special privilege that can justify their coming to court with unclean hands.

We must present in our schools thoughts such as these for the cogitation of our trainees:

What does it profit a police officer to discover and apprehend a person responsible for a crime if he does so in a manner so reprehensible to the rule of law that the evidence is inadmissible in court and consequently worthless in bringing him to justice? What good is a confession, even one which conclusively is shown to be true by after-discovered evidence, if it is declared inadmissible in evidence because the court deems that it was involuntarily obtained? We must emphasize the fact that the short-cut of an involuntary confession becomes a boomerang which flies back and hits not only the officer himself but his entire department and the community as a whole.

Ask Your Friends to JOIN NYCLU NOW

PARTICIPATING MEMBER . . . \$100

COOPERATING MEMBER \$50 SUPPORTING MEMBER \$10

SUSTAINING MEMBER \$25 CONTRIBUTING MEMBER \$5

Members listed above receive CIVIL LIBERTIES IN NEW YORK five times a year from the NYCLU. From national ACLU, they receive Civil Liberties each month; the Union's authoritative Annual Report on U.S. liberties; and, on request, single copies of some 25 ACLU pamphlets.

By joining ACLU, New Yorkers automatically become members of the New York Civil Liberties Union, which receives one-third of the ACLU's Greater New York income.

NEW YORK CIVIL LIBERTIES UNION

170 Fifth Avenue, New York 10, N.Y.

Please enroll me as a NEW MEMBER of the ACLU. Here is my \$ membership contribution.

The ACLU needs and welcomes the support of all those—and only those—whose devotion to civil liberties is not qualified by adherence to Communist, Fascist, KKK, or other totalitarian doctrine.

NAME
(Please print clearly)

ADDRESS

CITY ZONE STATE

OCCUPATION
(Please make checks payable to the ACLU)

N. Y. Civil Liberties Union

170 Fifth Avenue

New York 10, N. Y.

NOVEMBER, 1959



61-190-797

1 - Mr. [redacted]

December 30, 1959

Miss [redacted]

Arkansas

Dear Miss [redacted]

Your letter dated December 21, 1959, has been received, and the interest which prompted your communication is indeed appreciated.

While I would like to be of assistance, the function of the FBI as a fact-gathering agency does not extend to furnishing evaluations or comments concerning the character or integrity of any individual, publication or organization. Furthermore, information in the files of the FBI is maintained as confidential and available only for official use in accordance with a regulation of the Department of Justice. I regret, therefore, that I am unable to comply with your request.

I am sure you will understand the necessity for this regulation and will not infer from my inability to be of assistance that we do or do not have in our files the information you desire.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover
Director

MAILED 27

DEC 30 1959

COMM-FBI

Little Rock

ATTENTION: SAC, LITTLE ROCK

Correspondent requested to be advised if the American Civil Liberties Union (ACLU) is listed as communistic. Bufiles contain no identifiable information concerning the correspondent.

NOTE TO LITTLE ROCK, CONTINUED, PAGE TWO

SEE NOTE ON YELLOW, PAGE TWO

Tolson
Belmont
DeLoach
McGuire
Mohr
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

RDS:pw (4)

MAIL ROOM ☐ TELETYPE UNIT ☐

Miss [REDACTED]

NOTE TO LITTLE ROCK, CONTINUED

The ACLU with headquarters in New York has not been investigated by the Bureau. The Los Angeles chapter of the ACLU has, however, circulated a petition calling for the abolition of the House Committee on Un-American Activities, and the Seattle chapter has recommended an investigation of the FBI. SAC Letter 58-82 instructed the field to advise the Bureau of any action taken by the ACLU to investigate the Bureau.

b6
b7C

NOTE ON YELLOW:

If we advise the correspondent we have not investigated the ACLU, it may be construed as a clearance of this organization by the FBI. In view of the activities of chapters of the ACLU on the west coast and criticisms of the Bureau by the organization, it is believed the above reply will best serve the interests of the Bureau. Similar inquiries in the past have been afforded replies in line with the above.

Correspondent furnished street address on letter and box number on return address. Therefore, return address being used in reply.

TRUE COPY

Dec. 21-1959.

[Redacted]

Arkansas.

b6
b7C

Dear Sirs,

Will you please let us know if the "American Civil Liberties Union" is listed as Comunistic? Thank you.

/s/

[Redacted]

TRUE COPY

Dec. 21-1959.



Arkansas.

Dear Sirs.

b6
b7C

Will you please
let us know if the
"American Civil Liberties Union"
is listed as Communist?
Thank you.



6

REC-58

61-190-798

ACK.
12-30-59
1- LR
RDS/pw.

13 DEC 31 1959

EX-100
JAN 1 1960
J. W.

Hollywood 27, California

b6
b7c

Mr J. Edgar Hoover
Washington, D.C.

~~EXP. PROC.~~

DEC 24 1959

Dear Mr Hoover,

Ms [] and I have been contacted,

as many of our friends have, by the Civil Liberties Union, for contributions to its cause. I feel uneasy about this organization because of its goals and wonder if it is a front organization for communists.

The list of sponsors or members in this community sounds impressive - some of the outstanding people in this community including one minister.

I would be pleased for any information on the Civil Liberties Union.

REC- 58

61-196-799

Sincerely, 18 DEC 24 1959

12-31-57

RDS: []

5-1000

Delivered Civil Liberties Union

b6
b7C

1 - Mr. [REDACTED]

December 31, 1959

REC-58

Mrs. [REDACTED]

Hollywood 27, California

Dear Mrs. [REDACTED]

Your letter postmarked December 22, 1959, has been received and the interest which prompted your communication is indeed appreciated.

While I would like to be of assistance, the function of the FBI as a fact-gathering agency does not extend to furnishing evaluations or comments concerning the character or integrity of any individual, publication or organization. Furthermore, information in the files of this Bureau is maintained as confidential and available for official use only in accordance with a regulation of the Department of Justice. I regret, therefore, that I am unable to comply with your request for information.

I am sure you will understand the necessity for this policy and will not infer from my inability to be of assistance that we do or do not have in our files the information you desire.

Sincerely yours,

John Edgar Hoover
Director

MAILED 8

DEC 31 1959

COMM-FBI

1 - Los Angeles (Enclosure)

SEE NOTE TO SAC, LOS ANGELES PAGE TWO

SEE NOTE ON YELLOW PAGE TWO

RDS:kmo

(4)

58 JAN

MAIL ROOM ☐ TELETYPE UNIT ☐

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach

DATE: 12/15/59

FROM : M. A. Jones

SUBJECT: REVIEW OF 39TH ANNUAL REPORT
ENTITLED "WORK AHEAD IN HOPE"
AND NEWS RELEASE OF AMERICAN
CIVIL LIBERTIES UNION

Tolson _____
Belmont _____
DeLoach _____
McGuire _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

A review of the 39th Annual Report (7/1/58 to 6/30/59), entitled "Work Ahead in Hope," and news release (issued Monday a. m., 12/14/59) of the American Civil Liberties Union (ACLU), 170 Fifth Avenue, New York, New York, disclosed no reference of any kind to the FBI or Director Hoover.

The following is a brief summary of the pertinent material contained in this 112-page report:

In a summarizing introduction, Patrick Murphy Malin, ACLU Executive Director, stated that the nation's "most pressing unfinished business" still is "removal of discrimination, South and North," and observed there has been only meager progress in combating bias.

Part I of this report entitled "Freedom of Belief, Expression and Association," deals with censorship, academic freedom, religious freedom, and freedom of speech and association.

Concerning censorship, the report enumerated ACLU's frequent clashes with Postmaster General Arthur E. Summerfield and the Post Office Department over attempts at a greater degree of censorship of foreign propaganda and printed matter which he considers obscene.

Malin asserted that the "biggest and best news" on the discrimination front is that the change in the tide of opinion and action concerning public school desegregation is continuing, "not rapidly but steadily."

While Malin termed racial discrimination the nation's current primary civil liberties problem, he also cited other unresolved major issues in the areas of free speech, belief, and association, due progress, and equality before the law.

Part II of the report, dealing with "Equality Before the Law," discussed general developments concerning education, housing, employment, public accommodations, and American Indians and, in large part, reviewed specific instances which occurred in these categories.

Part III, entitled "Due Process Under Law," pointed out that "recent studies serve to remind us that classic problems never die but live on to plague the

Enclosures (2)
BS:jss (7)

ENCLOSURE

JAN 11 1960

REC- 92

61-190-800

CRIMINAL

Jones to DeLoach memo

'common people'." The studies dealt with illegal detention of persons by the Chicago police, double jeopardy and wire tapping. The ACLU has joined with the Baltimore "Evening Sun" to defeat unrestricted use of an advanced "wireless tap" that can record conversations from a distance of several hundred feet through "electronic eavesdropping."

In other policy action, the ACLU reaffirmed that passports should be denied to applicants only in time of war or to those facing criminal prosecution; protested that state laws forbidding the sale and use of birth control devices violate the First, Ninth, Tenth and Fourteenth Amendments; upheld the right of government employees to form or join labor organizations of their own choosing; and urged state and local governments to ban discrimination in the sale or rental of private housing.

ACLU'S 45,000 members contribute at a rate of about \$450,000 annually for the Union's work--a sum that does not include bequests or special funds raised and spent locally. The ACLU has 800 cooperating attorneys in 300 cities who work without fee.

Bureau files reflect that the Director has corresponded with Malin in a cordial vein in the past. The ACLU is, by its own statements, a liberal but anti-Communist organization, which, in the past, has done considerable sniping at the Bureau, mainly regarding wire tapping; however, contact and correspondence with its leaders have continued on a friendly basis. The ACLU has not been investigated by the Bureau.

Attached is a copy of the ACLU's 39th Annual Report, together with a copy of the News Release.

RECOMMENDATION: For information.

NEWS RELEASE

AMERICAN CIVIL LIBERTIES UNION, 170 FIFTH AVENUE, NEW YORK 10, N. Y.

E. B. MAC NAUGHTON
Chairman
National Committee

ERNEST ANGELL
Chairman
Board of Directors

EDWARD J. ENNIS
OSMOND K. FRAENKEL
General Counsel

PATRICK MURPHY MALIN
Executive Director

OREgon 5-5990

Alan Reitman, Assistant Director
In Charge of Public Relations

NOTE TO EDITORS: THIS STORY IS BEING MAILED TO YOU WELL IN ADVANCE OF THE RELEASE DATE SO THAT THE REPORTER ASSIGNED TO THE STORY MAY REVIEW THE ENTIRE REPORT AS WELL AS THE SUMMARY NEWS RELEASE.

FOR RELEASE: MONDAY A.M. NEWSPAPERS, DECEMBER 14, 1959

(ADVANCE) NEW YORK, N. Y., DEC. 13.--The nation's "most pressing unfinished business" still is "removal of discrimination, South and North", the American Civil Liberties Union declared today in its 39th annual report. The report was issued just prior to Bill of Rights Day, the 168th anniversary of the final adoption of the Bill of Rights which will be celebrated this Tuesday (December 15).

In a summarizing introduction to the Union's last fiscal year report, executive director Patrick Murphy Malin said that there has been only meager progress in combating bias. Noting that the ACLU would observe its 40th anniversary in 1960, he expressed cautious optimism concerning the outlook for civil liberties generally.

"Civil liberties can never be permanently 'out of the woods';" Malin observed. "But they are a lot better off than they were in 1954, when the ACLU was approaching its 35th birthday."

The ACLU report entitled, "Work Ahead In Hope", expressed disappointment that the 86th Congress changed the filibuster rule only slightly and enacted no anti-bias legislation other than an extension of the federal Civil Rights Commission. The "admirable" report of that body, it said, "was chiefly remarkable for showing how little had been accomplished by the Civil Rights Division of the Department of Justice.

"The exigencies of presidential politics are likely to prevent Republicans and Northern Democrats from producing in the 1960 Congressional session more than a lot of grandiloquence", the civil liberties group predicted. "From the federal government, therefore, we can realistically expect only a continuation of admirable court decisions...and gradually intensified executive action".

The "biggest and best news" on the discrimination front, Malin asserted, is that the change in the tide of opinion and action concerning public school desegregation is continuing, "not rapidly but steadily". In support of this view, he cited indications of changing trends:

"The businessmen of Little Rock -- typifying the chief influence at work all through the South -- have taken the lead in re-opening its schools; 'massive resistance' has crumbled in bellwether Virginia;...former Governor Arnall of Georgia

has announced that unless the schools of his state are kept open -- segregated or not -- he will seek election on that platform in 1962...Alabama and Mississippi will soon be alone in futile defiance of the irresistible tide -- as they are now conspicuous, though by no means alone, in the outrage to which the ACLU is currently trying to awaken state and local bar associations: the refusal of white lawyers to represent Negroes in even due-process or free-speech cases.

"Removal of discrimination in employment, housing and public facilities -- by state and local government action, and by individual and private-group action -- continues in the South as well as in other sections of the country, where there are not only more and more Negroes, but also Puerto Ricans, Mexico-Americans, Asian-Americans, Indians and Jews", Malin added. "But in many 'northern' localities the problem grows faster than the solution, and it is almost universally true that much remains to be done before 'the North' can justifiably claim it has shouldered its own share of a national and international obligation".

While Malin termed racial discrimination the nation's current primary civil liberties problem, he also reminded the ACLU's 45,000 members of other unresolved major issues in the areas of free speech, belief, and association, due process, and equality before the law.

"On the church-and-state front", the report asserted, "the fundamental problem continues to be, not Senator Kennedy and the Presidency, but public-funds-for-religious-schools and public-schools-for religious-purposes". In this field, the Union supported legal action and issued statements protesting religious teaching in many public schools in various parts of the nation, and the use of public facilities -- such as buildings, textbooks, and buses -- by sectarian school pupils.

"Organized labor, having sown the wind of neglect, has this year reaped the whirlwind, even from friends", the report noted. "For example: A. Philip Randolph, president of the Pullman Car Porters and a National Committeeman of the ACLU, has indicted the AFL-CIO leadership for failure on the bias front, in the unions themselves and in the outside community; and the ACLU, which began in 1942 to urge the unions voluntarily to create an internal democracy of free speech and due process, has now decided also to support federal legislation to that end".

Discussing free speech, Malin recalled the recent television quiz scandals. "It is to be devoutly wished that the housecleaning now in motion may extend to improving the TV industry's service to civil liberties through greatly amplified and varied presentation of serious public questions (in the 1960 campaign, for a start); this would help stave off government censorship of specific program content, while preserving government responsibility for general public-interest operation of what is in fact a public utility", he wrote.

The 39th annual report enumerated ACLU's frequent clashes with the Post Office Department, which under Postmaster General Arthur E. Summerfield has attempted a greater degree of censorship of foreign propaganda and printed matter which he considers obscene.

"Nearly everybody else in government seems to be out of step with the Postmaster General in his crusade for tighter restriction; but justifiable concern over juvenile delinquency is causing some Protestant groups and women's organizations to lean toward official censorship and private boycott, at the very moment when some Catholic groups are moving the other way", Malin commented. During the 1958-59 fiscal year reviewed in the report, ACLU and many of its 27 affiliates actively opposed local and state censorship campaigns directed against material available on newsstands, in libraries and textbooks.

"In the academic field", Malin wrote, "educators must step up their soul-searching about the National Defense Education Act of 1958". The ACLU noted that it has opposed not only the Act's requirement of a loyalty oath from each student as a prerequisite to obtaining an education loan but its grant of wide authority to the U. S. Commissioner of Education -- a threat to the universities' freedom to protect their standards of admission and student performance.

"Free speech suffered setbacks when the Supreme Court, by a bare 5-4 decision, in the Barenblatt case, upheld the constitutionality of the House Un-American Activities Committee; and when the House further prolonged the life of the Committee under the same old mandate and management", according to the annual report. "But it is significant of the country's present understanding of the problem of national security and individual liberty...that -- despite the urging of the American Bar Association's special committee on Communist tactics, strategy and objectives -- the bills to 'curb the Court' withered on the vine in the 1959 session of Congress...."

Regarding due process, the annual report said, "recent studies serve to remind us that classic problems never die but live on to plague the 'common people'." The studies dealt with illegal detention of persons by the Chicago police, wiretapping, and double jeopardy. During the period of the report, ACLU and its affiliates assisted many persons rounded up on vague charges of vagrancy and disorderly conduct, persons subject to police brutality and illegal search and seizure, and persons denied freedom to travel abroad, and permission to confront and cross-examine witnesses in security cases.

In other policy actions during the 1958-59 fiscal year, the ACLU:

- Reaffirmed that passports should be denied to applicants only in time of war or to those facing criminal prosecution;
- Protested that state laws forbidding the sale and use of birth control devices violate the First, Ninth, Tenth, and Fourteenth Amendments;

- Called for passage of a federal measure that would require reapportionment of state voting districts in order to accord approximate equality in voting strength to each district;

- Upheld the right of government employees to form or join labor organizations of their own choosing; and

- Urged state and local governments to ban discrimination in the sale or rental of private housing.

Malin noted that the ACLU's 45,000 members now are contributing at a rate of about \$450,000 annually for the Union's work, a sum that does not include bequests or special funds raised and spent locally. He paid special tribute to the organization's 800 cooperating attorneys in 300 cities who work without fee, and to the growing number of other organizations which are concerning themselves with civil liberties issues.

"Fortunately," he wrote, "the 1950's have witnessed a mounting activity in defense of civil liberties by many organizations -- educational and civic, religious and labor, minority-group and inter-group."

Copies of the 112-page report may be obtained from the ACLU, 170 Fifth Avenue, New York 10, N. Y., at 75¢ each postpaid. Prices for bulk orders will be given on request.

#

12/1/59

Mrs. [REDACTED]

b6
b7C

ATTENTION: SAC, LOS ANGELES

Enclosed is one copy of correspondent's communication. Bufiles contain no identifiable data concerning the correspondent.

The American Civil Liberties Union (ACLU) with headquarters in New York has not been investigated by the Bureau. The Los Angeles chapter of the ACLU has, however, circulated a petition calling for the abolition of the House Committee on Un-American Activities and the Seattle chapter has recommended an investigation of the FBI. SAC Letter 58-82 instructed the field to advise the Bureau of any action being taken by the ACLU to investigate the Bureau. (61-190)

NOTE ON YELLOW:

Correspondent advised she and her husband have been contacted by the "Civil Liberties Union" for contributions. They feel uneasy about the organization and wonder if it is a communist front. She stated she would be pleased to receive any information concerning the organization.

If we advise the correspondent we have not investigated the ACLU, it may be construed as a clearance of this organization by the FBI. In view of the activities of chapters of the ACLU on the west coast and criticisms of the Bureau by the organization, it is believed the above reply will best serve the Bureau's interests.

TRUE COPY

Mrs.

Hollywood 27, California.

Mr. J. Edgar Hoover
Washington, D. C.

b6
b7C

Dear Mr. Hoover,

Dr and I have been contacted, as many of our friends have, by the Civil Liberties Union, for contributions to its cause. We feel uneasy about this organization because of its goals and wonder if it is a front organization for communists.

The list of sponsors or members in this community sounds impressive - some of the outstanding people in this community including one minister.

We would be pleased for any information on the Civil Liberties Union.

Sincerely,

/s/ Mrs.

TRUE COPY

FEDERAL BUREAU OF INVESTIGATION
FOIPA
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Page 146 ~ b6, b7C, b7D

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Page 147 ~

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